

Nedarim 16A

גמרא

The Difference Between Saying לקרבן and Saying לא לקרבן According to R' Meir

The last daf ended off with a Mishna, and the Gemara will now determine the author of that Mishna.

Who is (the author of) our Mishna	מני מתניתין
it is R' Meir	רבי מאיר היא
for if it is R' Yehuda	דאי רבי יהודה
(this can't be) because he doesn't differentiate	לא שני ליה
(saying) "Korban"	קרבן
and he does not differentiate (between)	ולא שני ליה
(saying) "Hakorban"	הקרבן

R' Yehuda holds that if a person does not say קרבן with a 'כ', (i.e., he just says 'korban' and not 'like a korban' the letter 'כ' means like), then his neder will not be effective.

That is, according to R' Yehuda in order for the neder to be effective, the person must say that he is comparing this object to a korban (i.e., he must say that it should be like a korban), and if he does not, then his neder will not be effective. And it will not make a difference if he said 'Korban', 'Hakorban', etc., in all of these cases the neder will not be effective.

And yet our Mishna implies not this way. Our Mishna says that the case that it is mutur is when he says קרבן שאוכל לך - a korban I will eat from you. This implies that if he would have said קרבן שלא אוכל לך - a korban I will not eat from you, then the neder would take effect, even though he did not use a 'כ'. If so, we see that the author of our Mishna is R' Meir, as R' Meir holds that even if a person would not use a 'כ', his neder would still be effective.

But on this the Gemara asks:

(But) say the sayfa	אימא סיפא
(if a person says) "La'korban	לקרבן
I will not eat from you"	לא אוכל לך
(the Mishna says) it is mutur	מותר
but we learned in a Mishna	והתנו
(if a person says) "La'korban	לקרבן
I will not eat from you"	לא אוכל לך
R' Meir (says) it is assur	רבי מאיר אוסר

And R' Abba said (to explain R' Meir)	ואמר רבי אבא
we make it	נעשה
like he said "A korban is should be	כאומר לקרבן יהא
and therefore it is assur"	לפיכך לא אוכל לך

The sayfa of the Baraisa said that when a person says "La'korban, that I will not eat from you", this is not a korban (as R' Meir does not hold of אַתָּה שומע הוּ). (מקלל לאו אַתָּה שומע הוּ).

And yet, the Mishna said that R' Meir holds that when a person says "La'korban, I will not eat of yours", it is a good neder. And R' Abba explained that this is not because מקלל לאו אַתָּה שומע הוּ but rather when he says "La'korban" this does not mean it should not be a korban but rather he means to say it should be a korban, and the rest of his statement just explains that the ramification of this, that since this is a korban it is assur to eat.

But if so, we are left with a contradiction. What does R' Meir hold a person means when he says "La'korban"? Does he mean to say that it is not a korban (and if so, according to R' Meir the neder is not effective as R' Meir does not hold of מקלל לאו אַתָּה שומע הוּ)? Or does the person mean to say it should be a korban (and the rest of the statement is explaining the ramification of this) and then even according to R' Meir it would be an effective neder?

If the Mishna is really R' Meir, then we are saying that R' Meir holds that saying "La'korban" is mutur, and this contradicts the next Mishna that quotes R' Meir as saying that it is assur.

The Gemara answers:

It is not difficult	לא קשיא
in this case he said	הא דאמר
"La'korban"	לקרבן
(and) in this case he said	הא דאמר
"Lo korban (not a korban)"	לא לקרבן
(and as such) he means to say that it should	דלא הוי קרבן קאמר
not be a korban	not be a korban

According to our girsa the difference between the two cases is if the person said one word or two words. That is, if he said one word the implication of his statement is that it should be a korban. But if he said two words, i.e., "Lo Korban" then the only implication is that the person is saying that it should not be a korban, and as such, the person is not making anything assur (and the only way this neder could make something assur

is if you say *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן, but our Mishna is R' Meir who does not hold of *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן.⁹⁰

משנה

The Various Expressions that Do Not Work for Nedarim but Do Work for Shevuos

Previously, the Mishna had listed three expressions that do not work with regard to nedarim. The Mishna will now say that although these expressions do not work for nedarim, they do work for shevuos.

(If a person says) “Shevuah I will not eat from you”	שְׁבוּעָה לֹא אוֹכֵל לָךְ
(or if he says) “This is a shevuah that I eat from you”	הִיא שְׁבוּעָה שֶׁאוֹכֵל לָךְ מִמֶּנִּי
(or if he says) “Not a shevuah what I will not eat from you”	לֹא שְׁבוּעָה לֹא אוֹכֵל לָךְ
(in all three of these cases) it is assur	אֲסוּר

In the first case, when the person makes a shevuah that he will not sleep, his shevuah works, because although a neder cannot work on an intangible object, a shevuah can be chal on an intangible object.

In the second case, when the person says, “This is a shevuah that I will not eat by you”, this works even though this type of expression does not work with regard to a neder. The Ran explains that if the person would say a similar expression while attempting to make a neder, that is, if he would say “This korban, I will not eat from you”, we would understand him to be saying that he wants to make a shevuah by the life of the korban, and such a shevuah is not valid (as a korban is not something that you can swear by).

However, when the person says “This shevuah, I will not eat from you”, this cannot be interpreted as saying that he wants to make a shevuah by the life of the shevuah, because the shevuah is not a living thing, and as such, people would never make a

shevuah like this. Therefore, when he says this expression, we understand him to mean that he is making a shevuah that he will not eat from that person.

And in the third case, in which he says, “Not a shevuah what I will not eat from you”, this case will work even though it will not work with regard to a neder. That is, if a person says, “Not a korban what I will not eat from you”, the neder does not take effect as the Mishna is the shita of R' Meir who holds that we do not say *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן.

However, with regard to making a shevuah it would work, as with regard to making a shevuah even R' Meir agrees that *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן.

The Ran explains that although normally R' Meir does not hold of *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן, this is only with regard to monetary matters, but when it comes to issurim (prohibitions), R' Meir agrees that *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן. Therefore, since a shevuah is only a question of issur, R' Meir would hold *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן.

The Ran points out that although nedarim also affect issurim (if a person breaks his neder, he gets an avayra), since nedarim also affect monetary matters (the person's object becomes assur), R' Meir would hold that we do not say *הן שומע לאו אתה* שומע *הן* מִכָּלֵל לָאוּ אֶתְּהָ שׁוֹמֵעַ הֵן, (as opposed to the case of shevuos in which no object become assur and the only issur is on the person).

גמרא

The Intention of a Person When He Says שְׁבוּעָה שֶׁאוֹכֵל לָךְ – Does He Mean to Say that He Will Eat or that He Will Not Eat?

The Mishna says that if a person says “Shevuah that I will eat from you” it becomes assur for the person to eat. And on this the Gemara points out:

This implies *מִכָּלֵל*
 דְּהִיא שְׁבוּעָה שֶׁאוֹכֵל לָךְ “Shevuah that I will eat”
 implies that he will not eat *דְּלֹא אֲכִילָנָא מִשְׁמַע*

The Rishonim who have our girsa that the difference is between if he said one word or two words, hold that as long as he said one word, the implication is that he is trying to make it a korban and it will not make a difference if he said “La'korban” or “Li'korban”. According to them the only time his words have the implication that he is not trying to make it a korban is if he uses the two words “Lo Korban”.

⁹⁰ The Girsa of the Ran (the difference between the cases is not if he said one word or two words but rather the difference is if he said “La'korban” or “Li'korban”).

According to the girsa of the Ran in both cases the person just said one word and the difference between them is if he used a patach or a sheva. If he said “La'korban” with a patach, then the implication is that it should not be a korban, and the neder will not take effect. If, however, he said “Li'korban” with a sheva, then the implication is that he is saying it should be a korban, and as then the neder would take effect.

The Mishna said that if a person makes a shevuah by saying “Shevuah that I will eat from you”, the person becomes assur to eat. If so, we see clearly that saying “Shevuah, I will eat from you” does not mean that the person is making a shevuah to eat, but rather he is doing the opposite, he is making a shevuah that he will not eat.

And on this, the Gemara will ask that seemingly we see not this way from the following Mishna. The next Mishna discusses what are known as שבועות ביטוי. These are shevuos that a person makes, not because he has to, but rather he makes them by his own choice.

The Gemara asks:

But there is a contradiction
(the Mishna says) the shevuos
are two
that are (really) four
“I will eat”
“I will not eat”
“I ate”
“I did not eat”

וּרְמִינָהוּ
שְׂבוּעוֹת
שְׁתֵּי
שֶׁהֵן אַרְבַּע
שְׂאוּכַל
וְשֶׁלֹא אוֹכֵל
שְׂאֲכַלְתִּי
וְשֶׁלֹא אֲכַלְתִּי

In the posuk itself, there are only two types of shevuos mentioned. The posuk (Vayikra 5:4) says אוֹ נָפַשׁ כִּי תִשָּׁבַע לְבָטָא בְּשִׁפְתָיִם לְהַרְעוֹ אוֹ לְהִיטִיב “Or that a person will swear by uttering with his lips, to do bad or to do good etc.” The Gemara in meseches Shevuos explains that the good and bad of the posuk does not mean a bad shevuah or good shevuah. Rather when the posuk says that he swears to do something bad, it means that the person swears not to do something. And when the posuk says he swears to do something good, this means that he swears to do something. In other words, from the posuk itself, we see two types of shevuos with regard to the future. Either he swears that he will do something, or he swears that he will not do something.

Although the posuk only discusses shevuos with regard to the future, the Chachamim darshin (expound) from the posuk that in reality there are two more types of shevuos with regard to the past. That is, a person can either swear that he did eat or that he did not eat.

The Gemara now asks:

From this that it said
 (“That I will eat” and) “That I will not eat”
(and) “That I ate”
and “that I did not eat”

מִדְּקָאָמַר
שֶׁלֹא אוֹכֵל
שְׂאֲכַלְתִּי
וְשֶׁלֹא אֲכַלְתִּי

This implies

(that when a person says) “That I eat from you”
it implies that he will eat

מִכָּל
דְּשֶׂאוּכַל לָךְ
דְּאֲכִילְנָא מִשְׁמַע

In this Mishna, the terms “I will eat” and “I will not eat”, and the terms “I ate” and “I did not eat” are contrasted with each other. If so, we see that the term “That I will eat” in the context of a shevuah means that he will eat and not that he will not eat. But this contradicts our Mishna that said that when a person says “Shevuah, that I will eat”, this implies that he is making a shevuah that he will not eat.

The Gemara answers:

Abaye said
(the term) “that I will eat”
has two implications
if they were pressuring him
to eat
and he said
“I will eat, I will eat”
and he further (said)
“Shevuah that I will eat”
(in this case, his words) imply “That I will eat”

אָמַר אַבְיֵי
שְׂאוּכַל
שְׁתֵּי לְשׁוֹנוֹת מִשְׁמַע
הֵיוּ מְסַרְבִּין בּוֹ
לְאָכּוֹל
וְאָמַר
אֲכִילְנָא אֲכִילְנָא
וְתוֹ
שְׂבוּעָה שְׂאוּכַל
דְּאֲכִילְנָא מִשְׁמַע

But if he said
“I will not eat, I will not eat”
and he further (said)
“Shevuah that I will eat”

אָבַל אָמַר
לֹא אֲכִילְנָא לֹא אֲכִילְנָא
וְתוֹ אָמַר
שְׂבוּעָה שְׂאוּכַל

(in this case) he means to say “That I will not eat”
The Rosh explains that in this situation (that the person does not want to eat), when the person says “Shevuah, that I will eat”, he means to say that a shevuah should be on him if he eats (i.e., he is making a shevuah not to eat).

But if he indicates that he does want to eat, then when he makes his shevuah by saying “Shevuah that I will eat”, this is understood to mean that he is making a shevuah to eat.

An additional answer to resolve the contradiction:

Rav Ashi said
(the expression of) “That I will eat”
(mentioned in regard to the) shevuah (of our Mishna)
(is with regard to a case in which) he said “That I will not eat”

רַב אֲשֵׁי אָמַר
שְׂאוּכַל
דְּשְׂבוּעָה
שֶׁאֵי אוֹכֵל קָאָמַר
I will not eat”

Rav Ashi answers that the expression “Shevuah, that I will eat” implies that he will eat. And even though our Mishna

seems to say not that way, that is only because in our Mishna he actually said “Shevuah, that I will not eat”.

But on R' Ashi's answer, the Gemara asks the obvious question:

But if so אם כן
 it is obvious פשיטא
 what is there to say מאי למימרא

If it is really true that our Mishna is discussing a case in which he said “Shevuah, that I will not eat”, then of course the shevuah works to make the food assur. Why shouldn't it? This is the standard shevuah said in a straight-forward manner, and as such, it is difficult to understand why the Mishna would feel the need to tell us this case.

The Gemara answers:

You might have thought to say מהו דתימא
 (that he said this) ‘to fix his statement’ מיקם לישנא היא
 that he made a mistake דאיתקיל ליה
 this comes to teach us otherwise קא משמע לן

The Ran explains that even though we heard the person say *שאי אוכל*, one could have thought that in reality it could be that the person did not say the words *שאי אוכל* but rather the person really stretched out the aleph of the word *שאוכל* and it just sounded as if he said *שאי אוכל*. Therefore, since this possibility exists, if the person afterwards says that indeed, he said *שאוכל* and not *שאי אוכל*, one could have thought that the person is believed. The Mishna comes to teach us otherwise. If everyone heard him say *שאי אוכל* then the person would be assur to eat. The Ran adds that the only reason we entertain this possibility, is because it is not the typical way to say *שאי אוכל*. Typically, if a person wants to make a shevuah not to eat, he will say *שלא אוכל*. Therefore, since this person said this unusual expression, this could have led us to believe that indeed he didn't say it.

The Gemara brought two different opinions of how to answer the contradiction between the Mishnayos. The Gemara will now explain why each one of these opinions did not hold of the other one.

Abaye did not say אבאי לא אמר
 the reason of R' Ashi טעם כרב אשי
 as it did not say in the Mishna דלא קתני
 (the words) “sie ochel” שאי אוכל

R' Ashi answered the contradiction by saying that really the person said “*שאי אוכל*”. If so, Abaye did not want to say this answer, as these are not the words of the Mishna. Abaye felt that one cannot just change the words of the Mishna in order

to answer this question, and therefore he did not want to say R' Ashi's answer.

The Gemara now explains why Rav Ashi did not want to answer the contradiction the way Abaye did. The crux of Abaya's answer was to say that the words “Shevuah, I will eat” has two connotations and the meaning of these words will depend on the circumstances. And on this Rav Ashi will show that not only do the circumstances affect the connotation of the words “Shevuah, I will eat” but the circumstances affect the connotation of the words “Shevuah, I will not eat” as well. And if this is true, then this cannot be the explanation of the Mishna, as will be explained.

And Rav Ashi ורב אשי
 moved away נאדי
 from the reason of Abaye מן טעם דאבאי
 (because) he holds קסבר
 (the words) “s'lo ochel - (I) will not eat” שלא אוכל
 also implies two meanings גמי משמע שתי לשונות

If they were pressuring him to eat היו מסרבין בו לאכול
 and he said ואמר
 “I will not eat! I will not eat!” לא אכילנא לא אכילנא

He responds to their pressure by asking rhetorically “Do you think that I will not eat”, that is, he is saying that of course he will eat”.

And he also says ואמר גמי
 “Shevuah” שבועה
 whether (he continues and says) (that I will eat) בין שאוכל
 (or) whether (he continues and says) “I will not eat” בין שלא אוכל eat”

in this (case) it implies that he saying “I הדין אכילנא משמע דאמר I
 will eat” will eat”

If we are discussing a case in which they were pressuring him to eat, and he responds by asking rhetorically “Do you think that I will not eat! i.e., of course I will eat”, then in this case, if afterwards he makes a shevuah, it will not make a difference if he says that he is making a shevuah that he will eat, or if he says that he is making a shevuah that he is not eating. In either case, we will understand him to mean that he wants to make a shevuah to eat. If he said that he is swearing to eat, then obviously he is making a shevuah to eat. And even if he says that he is making a shevuah not to eat, we understand this that he says that he is not eating like he said before. That is, just like

he asked rhetorically, “Am I not going to eat”, so to now, when he says “shevuah, I will not eat”, he means to swear rhetorically that of course he will eat.

And it could also be understood **וְאִיכָא לְתַרְוַצָּה נָמִי**
 the expression of swearing not to eat **לִישְׁנָא שְׁבוּעָה שְׁלֵא אוֹכֵל**
 as a shevuah **שְׁבוּעָה**
 that he will not eat **דְּלֵא אֲכִילְנָא קְאָמֵר**

Although we said that the words “Shevuah, I will not eat”, could be interpreted as meaning that he is swearing to eat, there are times (i.e., in a regular case) that his words will mean simply that he is making a shevuah not to eat.

Rav Ashi just showed how both the words of “Shevuah, I will eat” and the words of “Shevuah, I will not eat” can both at times mean that he is swearing to eat or that he is swearing not to eat. And yet the Tanna just taught that if the person says “Shevuah, I will not eat”, then the food will be assur to eat. But why did he not say that it depends on the circumstances? That is, if what Abaye said was true, that when the Tanna said that if a person says “Shevuah, I will eat” the halacha will depend on the circumstances, then why did the Tanna not do the same with regard to one who says “Shevuah, I will not eat”? Rav Ashi answers that it must be that this is not true. That the Tanna does not hold that the intent of the shevuah will depend on the circumstances.

Rather the Tanna (said) a set (halacha) **אֶלָּא תִּנָּא פְּסָקָה**
 (that if a person says) “That I will eat” **שְׁאוּכֵל**
 this implies that he will eat **דְּאֲכִילְנָא מִשְׁמַע**
 and (if he says) “that I will not eat” **וְשְׁלֵא אוֹכֵל**
 implies he will not eat **לֵא אוֹכֵל מִשְׁמַע**

Rav Ashi holds that the Tanna must hold that the implication of the person’s words do not depend on the circumstances, and therefore, any time the person says “to eat” he means to make a shevuah to eat. And any time that he says, “that I will not eat”, he means to make a shevuah not to eat. And if so, that the Tanna holds that it does not depend on the

circumstances, R' Ashi could not answer the contradiction as Abaye did, and that is why he had to give his own answer.

משנה

The Chumrah of Nedarim Over Shevuos

This is a chumrah **זֶה חוּמְרָה**
 with regard to shevuos **בְּשְׁבוּעוֹת**
 more than nedarim **מִבְּנֵדְרִים**
 and a chumrah of nedarim **וְחוּמְרָה בְּנֵדְרִים**
 more than shevuos **מִבְּשְׁבוּעוֹת**

The previous Mishnayos described the chumrah of shevuos over nedarim, and the Mishna now will describe the chumrah of nedarim over shevuos.

How is this (that nedarim are more chamor) **כִּי־צַד**
 (if) one says “Konam sukkah **אָמַר קוֹנָם סוּכָה**
 that I will make” **שְׂאֲנִי עוֹשֶׂה**
 (or he says “Konam) lulav **לוּלָב**
 that I will take” **שְׂאֲנִי נוֹטֵל**
 (or he says “Konam) tefillin **תְּפִילִין**
 that I will place (on myself)” **שְׂאֲנִי מְנִיחַ**
 with regard to nedarim **בְּנֵדְרִים**
 it is assur (to do one of these mitzvohs) **אָסוּר**
 and with regard to shevuos **בְּשְׁבוּעוֹת**
 it is mutur (to do a mitzvah that he swore he would not **מוֹתֵר**
 do) **דוֹ**
 as one cannot swear **שְׂאִין נִשְׁבְּעִין**
 to transgress the mitzvohs **לְעֵבוֹר עַל הַמִּצְוֹת**

The Gemara will explain the difference between one who makes a shevuah not to do a mitzvah and one who makes a neder not to do a mitzvah.

Nedarim 16B

גמרא

The Case in Which a Shevuah is More Chamor than a Neder

The Mishna said that at times a shevuah is more chamor than a neder. The Gemara assumes that the case that the Mishna is referring to is the one mentioned in the last Mishna. That if a person says “Shevuah, I will not eat from you”, it does work, but if he says, “Konam, I will not eat from you”, it does not work.

And on this the Gemara asks:

(The Mishna said that the shevuah is more) chamor חומר
 (but) this implies that it is a neder מְקַלְל דְּנָדַר הוּא
 but the Mishna taught that it is mutur וְהָא מוֹתֵר קִתְּנִי

When our Mishna says that shevuos are more chamor, this implies that while it is true that in this regard shevuos are more chamor, the neder is still a neder (i.e., the neder is a neder but is just not a chamor as a shevuah). But the Mishna said not this way. The Mishna said that if a person says “Konam, that I will not eat from you”, it is mutur to eat from him. That is, the neder is not effective at all. If so, how could our Mishna imply that it is effective (but at a lower level)?

The Gemara answers:

On the sayfa אַסִּיפָא
 of the other case it was taught דְּאִידָּךְ בְּבֵא קִתְּנִי
 (if one says) “Shevuah שְׁבוּעָה
 that I will not sleep” שְׂאִינִי יָשׁוּן
 (or) “that I will not speak” שְׂאִינִי מְדַבֵּר
 (or) “that I will not go” שְׂאִינִי מְהַלֵּךְ
 it is assur (i.e., these shevuos are effective) אָסוּר

And with regard to this, our Mishna says:

This is chamor זֶה חוֹמֵר
 with regard to shevuos בְּשִׁבוּעוֹת
 more than nedarim מִבְּנֵדָרִים
 (and this) is chamor חוֹמֵר
 with regard to nedarim בְּנֵדָרִים
 more than shevuos מִבְּשִׁבוּעוֹת
 how is this etc. כִּי־צַד כּוֹ

The Gemara answers that when the Mishna said that a shevuah is more chamor than a neder, it was not referring to the case of the raysha of the last Mishna in which the case was discussing a person who either said “Shevuah, I will not eat from you” or “Konam, I will not eat from you”.

Rather when our Mishna started off by saying that shevuos are more chamor than nedarim, it was referring to the sayfa of the last Mishna in which a person either made a shevuah not to sleep or a neder not to sleep. And in this case, we can say that indeed shevuos are more chamor as they are effective even M'Dorayisa, as opposed to nedarim that although they are effective, they are only effective M'Drabbanan (as the Gemara previously brought from Ravina).

The Source in the Torah that One Can Make a Neder Not to Do a Mitzvah but One Can Not Make a Shevuah Not to Do a Mitzvah

Before bringing the source in the Torah for this halacha of making a shevuah/neder not to do a mitzvah, the Gemara brings a machlokes with regard to who said it.

Rav Kahana taught רַב כְּהָנָא מֵתֵנִי
 (that) Rav Gidel said אָמַר רַב גִּידֵל
 (that) Rav said אָמַר רַב

And Rav Tavyomay taught וְרַב טַבְיֹמַי מֵתֵנִי
 (that) Rav Gidel said אָמַר רַב גִּידֵל
 (that) Shmuel said אָמַר שְׁמוּאֵל
 how do we know מַנִּין
 that one cannot swear שְׂאִין נִשְׁבְּעִין
 to transgress (one of) the mitzvohs לְעִבּוֹר עַל הַמִּצְוֹת
 (Therefore the posuk (Bamidbar 30:3) comes to תְּלַמּוּד לּוֹמַר
 teach) לְעִבּוֹר עַל הַמִּצְוֹת
 “He should not desecrate לֹא יַחַל
 his word” דְּבָרָו

The posuk in Bamidbar (30:3) says אִישׁ כִּי יִדַּר לֵה' אוֹ הַשְּׁבַע שְׁבַעָה לְאַסֵּר עַל-נַפְשׁוֹ לֹא יַחַל דְּבָרָו כְּכֹל-הַיֵּצֵא מִפִּיו יַעֲשֶׂה
 (The posuk says that) “His word” דְּבָרָו
 he should not desecrate לֹא יַחַל
 but (i.e., this implies) אָבָל
 he can desecrate it מִיַּחַל הוּא
 for the will of shamayim (i.e., Hashem) לְהַפְצִי שָׁמַיִם
 The posuk says that if you make a shevuah, you should not

desecrate your word, and the Gemara says that from the fact that the posuk says that it is his word that should not be desecrated, implies that it is only his word (i.e., something he did on his own volition) that should not be desecrated. But if we are discussing something that he would be obligated to do (independent of his shevuah, i.e., words the mitzvohs), then he would be able to desecrate it (i.e., desecrate his shevuah) in order to fulfill Hashem's will.

But on this the Gemara asks:

What is the difference מאי שניא
(with regard) to a neder נדר
that it is written דכתיב
"A man that will make a neder to Hashem איש כי ידר נדר לה'
he should not desecrate his word" לא יחל דברו

The reason that we would say that a person would have to keep his neder even in a case in which the neder says not to do a mitzvah, is because the posuk says נדר לה', which means that even if you make a neder with regard to Hashem (i.e., not to do a mitzvah) the neder is still effective and you would have to keep it.

And on this the Gemara immediately asks that this should apply to shevuos as well.

(But with regard to a) shevuah also שבועה נמי
it is written הא כתיב
or if one swears a shevuah to Hashem או השבע שבועה לה'
he should not desecrate his word לא יחל דברו

The Ran explains that although it seems from the posuk that the word לה' is referring to only nedarim as the posuk says ידר נדר לה', in reality it can be explained as referring to shevuos as well. That is, one can read the word לה' as referring to the words או השבע שבועה לה'. And if this is true, we should say that the same way that one can make a neder not to do a mitzvah of Hashem, one can make a shevuah not to do a mitzvah of Hashem as well.

The Gemara answers:

Abaye said אמר אביי
in this case he said הא דאמר
"The benefit of the sukkah הנאת סוכה
should be on me" עלי
(and) in this case he said הא דאמר
"Shevuah שבועה
that I will not benefit שלא אהנה

from the sukkah"

מן הסוכה

The Ran explains that logic dictates that only a neder should work to say that he will not do a mitzvah, as opposed to a shevuah. When a person makes a neder not to do a mitzvah, for example, not to do the mitzvah of sitting in a sukkah, what he is saying is that the benefit of sitting in the sukkah should be assur to him (that is, he is doing something that is in his power to do as a person has the ability to forbid objects to him). And once the sukkah is assur, we don't force him to sit in it, as we don't force people to do things that are assur to them. However, when it comes to making a shevuah not to sit in the sukkah, what he is saying is that he will not sit in the sukkah. That is, he is referring to himself, that he will not do one of the mitzvohs. And this is something that the person doesn't have the right to do. How could a person say that he will not do a mitzvah if the Torah says that he has to?

Therefore, even if from the posuk it is not entirely clear when a person can go against a mitzvah, logic will dictate that the posuk means that it works only in regard to nedarim and not shevuos.

How Can One Make a Neder Not to Benefit from a Sukkah if מצות לאו ליהנות ניתנו ?

The Gemara's previous answer to differentiate between shevuos and nedarim was to say that the case of when a neder not to do a mitzvah is effective is when the person makes a neder to forbid the benefit of sitting in a sukkah on himself.

And on this the Gemara asks:

Rava said אמר רבא
were mitzvohs given to benefit from וכי מצות ליהנות ניתנו

There is a famous rule in Shas that states that מצות לאו ליהנות ניתנו, that the mitzvohs were not given to benefit from, and any benefit that one does receive from doing a mitzvah is not considered a benefit. If so, why does a neder that forbids someone from benefitting from a mitzvah not allow him to do the mitzvah? Even if the person does the mitzvah (i.e., if he sits in the sukkah), this is not considered a benefit, and if so, why is doing the mitzvah considered a violation of his neder?

Rather Rava said אלא אמר רבא
this case refers to one in which he said הא דאמר
"The sitting of the sukkah is on me" ושיבת סוכה עלי
and in this case he said והא דאמר

“Shevuah שְׁבוּעָה
 that I will not sit in a sukkah” שְׁלֵא אָשֵׁב בְּסוּכָה
 Rava answers that the case in which a neder works to nullify a mitzvah, is not one in which the person says that the benefit of the sukkah should be assur, but rather he says that the sitting in the sukkah itself should be assur (see footnote).⁹¹

Rava’s answer is essentially the same as before, that the difference between shevuos and nedarim is that when one makes a shevuah not to do a mitzvah, he is saying that it is assur for him to do a mitzvah (and this is something that is impossible as a person cannot change the reality that he is obligated to do this mitzvah). And when one makes a neder not to do mitzvah, he is not saying that it is assur for him to do a mitzvah but rather he is saying that the sitting in the sukkah should be assur, and since a person has the ability to makes things assur, he has the ability to make the ‘sitting’ assur, and once he does so, we don’t force him to do something that is assur for him to do. To recap, the difference between a shevuah and a neder is that a shevuah is chal on the person and the neder is chal on the ‘thing’.

(The change between this answer and the previous answer is that the previous answer the neder was on the benefit of doing

the mitzvah and in this answer the neder is on the subject of the mitzvah itself (for example, the sitting in the sukkah).

An Additional Source that One Can Not Make a Shevuah to Transgress a Mitzvah and an Explanation as to Why Both Sources are Needed

And this that one cannot swear	וְשָׂאִין נִשְׁבְּעִין
to transgress the mitzvohs	לְעֵבוֹר עַל הַמִּצְוֹת
from here it is learned out	מִהֵכָּא נִפְקָא לִיה
(but) from over there it is learned out	מִהֵתָּם נִפְקָא לִיה
as we learned a Baraisa	דְּתַנִּיא
One could have (thought)	יְכוּל
(that) one who swears	נִשְׁבַּע
to uproot a mitzvah	לְבַטֵּל אֶת הַמִּצְוָה
and he did not uproot it	וְלֹא בִיטֵל
one could (have thought)	יְכוּל
he should be chayiv (for not keeping his shevuah)	יְהֵא חַיִּיב

⁹¹ Why Is Sitting in a Sukkah Not Considered an Intangible Object Upon Which a Neder Cannot Work?

We previously learned that a neder does not work on an intangible object. If so, how could one make a neder on his sitting in a sukkah? His sitting is obviously something that is not tangible, and as such, this should be the classic case in which his neder should not be effective.

The Ran answers that in reality the neder that the person made was that the sukkah is konam for his sitting, and Rava’s objective was just to explain that the subject of the neder could not be the benefit of the sukkah but rather the subject of the neder has to be the sitting. And once we know this, we also know that in order for the neder to be effective, he cannot put the neder directly on his sitting but rather he has to assur the sukkah with regard to his sitting.

The Ran then brings Tosefos that explains that this that one cannot make a neder on an intangible object is only if he does not mention a tangible object. For example, if a person says he is making his sleep assur, the neder will not work. Or if the person just made his sitting assur, this would not work as well. But in a case that he does mention a tangible object, for example he says “Konam the sitting in the sukkah on me”, this would be an effective neder. That is, since he mentioned the sukkah, it is as if he said, “Konam the sukkah for my sitting in it”.

The Ran asks that even if the person assures his sitting in the sukkah, why is the neder effective? Presumably, the point of a neder is to forbid benefit on oneself, and if so, even in this case the neder should forbid him from sitting in the sukkah. Since sitting in the sukkah is a mitzvah, and since we have the rule that מצות לאו ליהנות ניתנו, his sitting in the sukkah is not considered benefit, and as such, it should not be assur.

Tosefos answer that since at the end of the day the person said the sitting should be assur, it is assur to sit there even though he does not benefit from it. The Ran adds that according to this, if a person would make a neder not to throw a rock into the water, his neder will be effective, even though he gets no benefit from throwing the rock.

The Ran concludes that all of this is true only if the person mentions that specific action, but if the person just assures himself from the object, then we assume that the point of this shevuah is to get benefit from the object and sitting in a sukkah or throwing the rock (i.e., actions that a person does not benefit from) would be mutur. That is, if a person just says that he is forbidding the sukkah or a rock then in order to violate this neder he would have to get benefit. However, if he assures the object with regard to a specific action, then that action will be assur even if the person does not benefit from it.

Why is the Sitting in the Sukkah Considered Benefit from the Mitzvah?