

19 Sivan 5775
June 6, 2015



Nedarim Daf 13

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Firstborn

The *Gemora* asks: Shall we say that it (*Rami bar Chama’s inquiry*) is a matter of a Tannaic dispute? For we learned in the following *braisa*: If a person (*a Kohen*) said, “This meat should be forbidden to me like a *bechor* (*firstborn male of a cow, sheep or goat, which is born with sacrificial sanctity and is brought as a korban*),” Rabbi Yaakov says: The meat is forbidden to him. Rabbi Yehudah permits it.

The *Gemora* asks: What is the case in which they are arguing? If he said, “This meat should be forbidden to me like a *bechor* before the blood was thrown,” what is the reason of the *Tanna* that permits the meat? If he said, “This meat should be forbidden to me like a *bechor* after the blood was thrown,” what is the reason of the *Tanna* that forbids the meat? Ostensibly, we must be referring to a case where a piece of permitted meat and the meat of a *bechor* (*whose blood had been thrown*) were lying before him and the man said, “This meat should be like this one.” The Tannaim argue whether he is associating the meat with the *bechor* in its present permitted status (*and therefore the meat would be permitted*), or whether he is associating the meat with the original prohibition of the *bechor* (*and therefore the meat would be forbidden*). (*It emerges that Rami bar Chama’s inquiry is indeed a matter of a Tannaic dispute!?*)

The *Gemora* objects to this explanation: No; we are actually referring to a case where he said, “This meat should be forbidden to me like a *bechor* before the blood was thrown.” What is the reason of the *Tanna* that permits the meat? It is because it is written [Bamidbar 30:3]: *If a man vows a neder*. When one makes a *neder* with an association, the object must be one that was prohibited through a vow, and not like a *bechor*, which is something intrinsically forbidden (*since it automatically obtains its sanctity from birth*).

The *Gemora* asks: What is the reason of the *Tanna* that forbids the meat?

The *Gemora* answers: It is written (in the aforementioned verse): *to Hashem*. This includes something that is prohibited (such as a *bechor*).

The *Gemora* asks: And the one who permits the object (which was linked to a *bechor*), what does he do with the term: *to Hashem*?

The *Gemora* answers: He uses it for a case when one makes a vow and he links the object with a *chatas* or an *asham* (and that would be an effective vow).

The Gemora asks: what did he see to include the case of chatas and asham, and to preclude the case of bechor?

The Gemora answers: I include the case of a chatas and asham, for the designation of the korban is effected through a vow, but I preclude the case of bechor, for it is sanctified (automatically) from the womb of its mother.

The Gemora explains the logic of the Tanna (R' Yaakov) who disagrees and maintains that it is forbidden: It is because he maintains that a *bechor* is also sanctified through a vow. For we learned in a *braisa*: It was said in the name of Rebbe: How do we know that it is an obligation to orally consecrate a *bechor* born in his house? It is because it is written [Devarim 15:19]: *You shall consecrate the male.*

The *Tanna* that permits the meat (R' Yehudah) will say that although there is a *mitzvah* to orally consecrate the *bechor*, if he does not do so, it is nevertheless consecrated (*therefore, it is not regarded as something that is prohibited through a vow*).

[*Rami bar Chama's inquiry is not related to the Tannaic dispute and it remains unresolved.*](12b2 – 13a1)

"Like a Lamb"

The *Mishna* had stated: If he said, "Like a lamb," "Like the sheds (*referring to the animals designates for korbanos which were kept in a special room in the Beis Hamikdosh*)," "Like the wood (*that was placed on the Altar every day*)" "Like the fires," "Like the

Altar," "Like the Heichal," "Like (*the korbanos offered in*) Yerushalayim," even though he did not mention *Korban*, this is regarded as a vow with a *Korban*.

The *Gemora* cites a *braisa*: If he said, "A lamb," "To a lamb," "Like a lamb," "The sheds (*referring to the animals designates for korbanos which were kept in a special room in the Beis Hamikdosh*)," "To the sheds," "Like the sheds," "The wood (*that was placed on the Altar every day*)," "To the wood," "Like the wood," "The fire," "To the fire," "Like the fire," "The Altar," "To the Altar," "Like the Altar," "The Heichal," "To the Heichal," "Like the Heichal," "Yerushalayim (*the korbanos that were offered there*)," "To Yerushalayim," "Like Yerushalayim," the following *halacha* applies in these cases: If he finishes his vow by saying, "That which I eat of yours," the food is forbidden. If, however, he finishes the vow by saying, "I will not eat of yours," the food is permitted.

The *Gemora* asks: Who is the *Tanna* that makes no distinction between one who says, "A lamb," or "To a lamb," or "Like a lamb"?

The *Gemora* answers: It is Rabbi Meir (*who is the anonymous Tanna of our Mishna who disagrees with Rabbi Yehudah and holds that the neder can be effective even without using the word "Like"*).

The *Gemora* asks: But let us look at the latter portion of the *braisa*: If he finishes the vow by saying, "I will not eat of yours," the food is permitted. How can this be Rabbi Meir's opinion when we have learned the following in a *Mishna*: If someone says "*La'korban* I will not eat from you," he is forbidden according to Rabbi Meir. Rabbi Abba had said that (*the reasoning*

is) it is as if he said “Your food should be like a *korban* and therefore I will not eat from you.” Accordingly, why don’t we say here that when he says, “To a lamb, I will not eat of yours,” it is as if he said, “Your food should be like a lamb and therefore I will not eat from you”?

The *Gemora* answers: The *braisa* is referring to a case where he said, “Not a lamb, I will not eat of yours,” (where we cannot say that he meant, “Your food should be like a lamb and therefore I will not eat from you”). The *Mishna* is discussing a case where he said, “To a lamb.” (13a2 – 13a3)

Mishna

The *Mishna* states: If he says, “*Korban*,” or “*Olah*,” or “*Minchah*,” or “*Chatas*,” or “*Todah*,” or “*Shelamim*,” and he finishes the vow by saying, “that which I eat of yours,” the food is forbidden. Rabbi Yehudah says: The food is permitted (because he did not say, “like a *korban*”).

If he says, “The *korban*,” or “Like a *korban*,” or “*Korban*,” and he finishes the vow by saying, “that which I eat of yours,” the food is forbidden.

If he says, “*La’korban*, I will not eat of yours,” the food is forbidden according to Rabbi Meir. (13a3 – 13a4)

Ha’Korban

The *Mishna* had stated: If he says, “The *korban*,” or “Like a *korban*,” or “*Korban*,” and he finishes the vow by saying, “that which I eat of yours,” the food is forbidden. This anonymous ruling must be following the opinion of Rabbi Meir who makes no distinction

between one who says, “A lamb,” or “To a lamb,” or “Like a lamb.”

The *Gemora* asks: How can this anonymous ruling be following Rabbi Meir when the *Mishna* also says the following: If he says, “The *korban*,” and he finishes the vow by saying, “that which I eat of yours,” the food is forbidden. But we learned in a *braisa*: The *Chachamim* (Rabbi Meir) agree to Rabbi Yehudah when he says, “*Ha’Korban*,” or “*Ha’Olah*,” or “*Ha’Minchah*,” or “*Ha’Chatas*,” and he finishes the vow by saying, “that which I eat of yours,” the food is permitted, for he was only vowing by the life of the *korban* (as if to say, “I swear by this *korban* that I will eat of yours”).?

The *Gemora* answers: The *braisa* is referring to a case where he said, “*Ha Korban*” (in two words), whereas the *Mishna* is referring to a case where he said, “*Ha’korban*” (in one word). What is the reason? For (when he said “*Ha Korban*” in two words), he was only vowing by the life of the *korban* (as if to say, “I swear by this *korban* that I will eat of yours”). (13a4 – 13b1)

Mishna

The *Mishna* states: If one said to his friend, “*Konam*, my mouth speaking with you,” or “*Konam*, my hand working with you,” or “*Konam*, my foot walking with you,” the *neder* is effective. (13b1)

Intangibles

The *Gemora* asks on the *Mishna* from a *braisa*: There is greater stringency in oaths than in vows, and greater stringency in vows than in oaths. There is greater stringency in vows, for vows apply to objects



necessary for the performance of a *mitzvah* just as to optional matters, which is not so regarding oaths (*which do not take effect if one would take an oath against performing a certain mitzvah*). And there is greater stringency in oaths, for oaths are valid with respect to matters that have substance and matters that are intangible, which is not so regarding vows (*which do not take effect on intangible things; so how, in the Mishna, can the neder take effect on talking, working and walking*)?

Rav Yehudah answers: The vow takes effect if he says, "Let my mouth be forbidden in respect of my speaking with you," or "Let my hands be forbidden in respect of their working with you," or "Let my feet be forbidden in respect of their walking with you." (13b1 – 13b2)

WE SHALL RETURN TO YOU, KOL KINUYEI

Quick Summary

* What is the *halacha* if one says, "This meat should be forbidden to me like a *bechor*"?

This is a matter of a Tannaic dispute?

* In which case does the *Gemora* think that they are arguing about?

A piece of permitted meat and the meat of a *bechor* (*whose blood had been thrown*) were lying before him and the man said, "This meat should be like this one."

* In what case does the *Gemora* conclude that they argue about?

He said, "This meat should be forbidden to me like a *bechor* before the blood was thrown."

* What is the reason of the *Tanna* that permits the meat?

When one makes a *neder* with an association, the object must be one that was prohibited through a vow, and not like a *bechor*, which is something intrinsically forbidden.

* What is the reason of the *Tanna* that forbids the meat?

It is because he maintains that a *bechor* is also sanctified through a vow.

* Will the *bechor* be *kodosh* anyway?

Yes.

* Who is the *Tanna* that makes no distinction between one who says, "A lamb," or "To a lamb," or "Like a lamb"?

It is Rabbi Meir.

* When will "*Ha'korban*" be a valid *neder*, and when will it not?

If he said, "*Ha Korban*" (*in two words*), the *neder* is invalid; if he says, "*Ha'korban*" (*in one word*), it is valid.

* What is a stringency of an oath over a vow?



Oaths are valid even on intangible items.

* What is a stringency of a vow over an oath?

If one would take an oath against performing a certain mitzvah, it will not take effect.

* How does the *Gemora* interpret the case of the *Mishna* when one said to his friend, “*Konam*, my mouth speaking with you”?

If he says, “Let my mouth be forbidden in respect of my speaking with you.”

INSIGHTS TO THE DAF

Zohar and the Gemora

The *Gemora* cites a *braisa*: There is greater stringency in oaths than in vows, and greater stringency in vows than in oaths. There is greater stringency in vows, for vows apply to objects necessary for the performance of a *mitzvah* just as to optional matters, which is not so regarding oaths (*which do not take effect if one would take an oath against performing a certain mitzvah*). And there is greater stringency in oaths, for oaths are valid with respect to matters that have substance and matters that are intangible, which is not so regarding vows (*which do not take effect on intangible thing*).

It is noteworthy that the *Zohar* writes exactly the opposite. An oath, he says, can only take effect on a *davar she'yeish bo mamash*, something that has substance, whereas a vow can take effect even on a matter that lacks substance.

The Shoel U'meishiv in his *haskamah* to the sefer *Beis Yisroel* cites from the *Neizer Yisroel* that it is a printer's mistake and the correct version of the *Zohar* is the way the *Gemora* states.

Reb Reuven Margoliyos disagrees and cites a *Ramban* in *Shavuos* who hints to the version that we have in the *Zohar*. The *Ramban* writes that according to *Sod*, vows do not take effect on matters of substance, whereas an oath will be effective on matters of substance.

In the sefer *Mei Hashiloach*, he explains the *Zohar* in a manner that is identical to our *Gemora*. We find in the *Zohar* that a *davar she'yeish bo mamash* frequently means something that has the ability to reproduce. The reason that an oath can take effect even on intangible matters is because an oath is an *issur gavra*, one is prohibiting himself from the object. The oath, therefore, is taking effect upon the person. The meaning of the *Zohar* is that an oath takes effect on the person, for he is a *davar she'yeish bo mamash*, i.e. man has the ability to reproduce; objects do not! An oath takes effect upon the person and not on the object. A vow, on the other hand, takes effect even on a *davar she'ein bo mamash*, something that does not have the ability to reproduce, i.e. objects. For by a vow, one is prohibiting the object upon himself (*issur cheftza*), and therefore, the vow takes effect upon the object, not upon the person.