

## (i) Maimonides, Laws of Maasei Korbonos 16:1:

"When a person vows to bring a large animal, but instead brings a small one, he does not fulfill his obligation. [If he vows to bring] a small one and brings a large one, he fulfills his obligation.

"What is implied? He said: 'I promise [to bring] a lamb as a burnt-offering' or '...as a peace-offering,' and he brings a ram, or he vowed a calf and brought an ox, or a kid and brought a goat, he fulfills his obligation."

## (ii) Talmud, Minochois 107b, Mishna:

"(If one said, 'It is incumbent upon me to bring) a large (bull),' and he brought a small (bull), he has not fulfilled (his obligation). (But if he said, 'It is incumbent upon me to bring) a small (bull),' and he brought a large (bull), he has fulfilled (his obligation), *Rebbi* (Yehuda HaNasi) says, 'He has not fulfilled (his obligation).'"

## (iii) Maimonides, Laws of Maasei Korbonos 16:9:

"If one vowed to bring a burnt-offering from cattle and designated [an animal as a sacrifice to fulfill] his vow and [later] forgot whether he had designated an ox or a calf, he should bring an ox. Similarly, if he designated a sheep and forgot what he designated, he should bring a ram. If he designated a goat and forgot what he designated, he should bring a grown goat. If he forgot the species from which he designated the burnt-offering, he should bring an ox, a ram, and a grown goat."

## (iv) Torah Verse of Fulfilling What One Says (-Deuteronomy 23:24):

"(i) Observe and do what is emitted from your lips just (ii) as you have pledged to the Lord, your G-d, as a donation, which you have spoken with your mouth."

## (v) Talmud, Minochois 104b, Mishna:

"(If one says), 'I specified a meal offering of tenths (of an ephah --Eipha: 22 litres; 20 dry quarts) but I do not know how many (tenths) I specified,' he must bring (a meal offering of) sixty (-tenths of an ephah). *Rebbi* (Yehuda HaNasi) says, 'He brings meal offerings of all sizes, (in increments of tenths of an ephah, ranging) from one-tenth (of an ephah) to sixty (-tenths, for a total of sixty meal offerings with a total volume of 1,830 tenths of an ephah, or 183 ephahs).'"

## (vi) Talmud, Minochois 106b:

"*Rav Ashi* said (that there is alternative explanation of the disagreement between the Rabbis and Rabbi Yehuda HaNasi), 'They disagree (with regard to the law of one who is obligated to bring) a small (offering) and (instead brings) a large (offering). The Rabbis hold (that if one is obligated to bring) a small (offering) and brings a large (one instead) he has fulfilled (his obligation), and *Rebbi* (Yehuda HaNasi) holds (that in such a case) he has not fulfilled (his obligation). (Therefore, in the case of the uncertainty in the mishna, Rabbi Yehuda HaNasi holds that by bringing one meal offering of sixty-tenths of an ephah one does not fulfill his obligation if he vowed to bring a smaller offering.)

"(The Gemara asks:) *But didn't they* (already) disagree about this (topic) once? As we learned (in a mishna (107b) that if one said: It is incumbent upon me to bring) a small (bull),' and he brought a large (bull instead), he has fulfilled (his obligation). *Rebbi* (Yehuda HaNasi) says, 'He has not fulfilled (his obligation).

"(The Gemara answers:) *It is necessary* (for the dispute to be mentioned with regard to both cases), *as had* (their dispute) *been stated* (only) with regard to this (case of one who vows to bring a small meal offering and brings a large one instead, there would be room to reason that it is only) in this (case that) *the Rabbis say* (that he has fulfilled his obligation,) *because* (both) *this* (small meal offering) *and that* (large meal offering are identical with regard to the portion of the offering that is sacrificed on the altar; in both cases) *it is a handful. But there,* (in the case of one who vows to bring a small bull but brings a large one,) *since the sacrificial portions are greater,* (i.e., larger, there is room to) *say* (that the Rabbis) *concede to Rebbi* (Yehuda HaNasi that he has not fulfilled his obligation).

"*And had* (their dispute) *been stated* (only) in that (case of one who vows to bring a small bull and brings a big one, there would be room to reason that only in that case) *Rebbi* (Yehuda HaNasi) *says* (that the person has not fulfilled his obligation, because the sacrificial portions are larger). *But in this* (case of bringing a large meal offering instead of a small one, there is room to say that Rabbi Yehuda HaNasi) *concedes to* (the opinion of) *the Rabbis*. (Therefore,) *it is necessary* (for the mishna to teach both cases.)"

## (vii) Chinuch, Mitzvah #123:

"(The commandment of the sacrifice that varies up and down: To sacrifice the sacrifice that varies up and down for specific sins — and they are: (i) Impurity of the Temple, meaning to say a man who is impure with a primary source of impurity and enters the Temple inadvertently; (ii) likewise, the impurity of its consecrated [foods], that he is impure and ate consecrated meat inadvertently; (iii) an oath of expression, meaning to say that he swore falsely about a thing to do it or not to do it, and the other known angles of an oath of expression, and he transgresses it inadvertently; (iv) likewise an oath of testimony, meaning to say that he swore to his fellow that he does not have testimony for him [when he actually does], whether inadvertently or volitionally.

"For these sins, a person is obligated to bring a sacrifice that varies up and down — meaning to say, according to the wealth or poverty of a person; as it is explicit in the verse (-Leviticus 5:1), 'And if a soul shall sin and he heard the voice of an oath' — meaning to say the voice of the oath that they swore him to, whether he knows testimony, 'if he does not say, he will carry his iniquity.' And the end of the matter is (-Leviticus 5:6), 'And he shall bring his guilt-offering.' And it is not stated there, 'and it was hidden from him,' to teach that he is liable for the sacrifice, whether [he is] inadvertent or volitional.)

"...But if he is poor and he brings a ewe or a female goat, he has not fulfilled his obligation. And the reason

*is that since G-d, blessed be He, had mercy upon him and exempted him with [something less expensive], it is not appropriate that he push himself to bring more than what his hand can reach. And from this, every understanding person will acquire good counsel: to not make expenditures [that are] more than what is fitting according to his money — as this is a cause to steal from the creatures when he seeks that to which he is accustomed and does not find [it]."*

(viii) Maimonides, Opening to Laws of Promises:

*"They contain 3 mitzvot: two positive commandments and one negative commandment. They are:*

*1. To heed the utterances of one's mouth and to carry out one's vow;*

*2. Not to desecrate one's word;*

*3. To nullify a vow or an oath; this is the law concerning the nullification of oaths explicitly stated in the Torah.*

*These mitzvot are explained in the ensuing chapters."*

(ix) Maimonides, Counting of the Mitzvot, Positive Commandment 94:

*"For a person to fulfill all which he gives out with his lips (i.e. utters), be it a sacrifice, (a gift to) charity, or the likes, as it is stated (-Deuteronomy 23:2): "What you have given out with your lips (i.e. spoken), take heed and fulfill..."*

(x) For FOOTNOTE 39: Likkutei Sichos, Vol 17 p. 26. p. 30 and further:

*"And we may say that the dispute between Rebbi and the Rabbis go each according to their approach, which we find in many places in a dispute between Rebbi and another, and especially with the Rabbis: Concerning the language of a verse, teaching, (and so too concerning the language of people, as will be stated further) --whether this is to be interpreted specifically (a) in its simple meaning literally, (b) in all the details, or whether it can mean but a part, or one detail.*

*"...in many places throughout the Talmud. And among them: In the Order of Seeds (Tractate Brochos (-13a)): '(The Rabbis taught (in a baraita that Rabbi Yehuda HaNasi and the Rabbis disagreed with regard to the language in which Shema must be recited.)) Shema (must be recited) as it is written (in Hebrew), this is the statement of Rabbi Yehuda HaNasi. And the Rabbis say, '(Shema may be recited) in any language.' Rebbi holds that the obligation of reading Shema, needs to be exactly with all the details, as the portions (of the Shema) are in the Torah, also the detail of 'as it is written'. ('What is the reason for Rabbi Yehuda HaNasi's opinion? (The source for his law lies in the emphasis on the word) the verse states 'And these (words, which I command you this day, will be upon your heart)'. 'Will be' means as they are, so shall they be (they should remain unchanged, in their original language)). The Rabbis however hold that it is enough it is enough that it be, 'in any language': we needn't it should also be 'as it is written', but rather it is enough that which it is the content of the concept of reading the Shema....*

*"In the Order of Seasons (Tractate Sukkah (-3a)): 'Rebbi (Yehuda HaNasi) says, 'Any sukka that does not have (an area of at least) four cubits by four cubits is unfit. And the Rabbis say: Even if it holds (only) his head and most of his (body), it is fit.': In the Torah it states (-Leviticus 23:42), 'In sukkot you shall reside seven days' thus the Talmud (-Sukkah 28b) says that it must be, "Shall you reside' as kind of as you dwell.' Rebbi holds that the, "You shall reside' as kind of as you dwell.' has to be in its simple meaning and in all its details, and therefore, the sukka has to have four cubits by four cubits, 'as you dwell' tangibly as that of a house. The Rabbis hold that it needn't be 'as kind of as you dwell' practically in all its details, but rather it is enough that it be, 'as kind of as you dwell', in the detail that it holds (only) his head and most of his (body) - -a temporary dwelling and it can be there be his residing -- 'you shall reside', however, we don't need that also the structure of the sukka should be, 'as kind of as you dwell'.*

*"So too we find concerning the language and the mind of people in the Order of Women (-Tractate Gitten 74a): 'Rebbi (Yehuda HaNasi) says, 'Anyone who states (when giving the GET a condition employing the language), 'On the condition,' (is) like (one who) states, '(The agreement will take effect retroactively) from now' (even though the condition is fulfilled only later on). And the Rabbis disagree with him.' If one states, for example, 'This is your GET on the condition that you give me 200 zuz' according to Rebbi she is, 'Divorced from now' and according to the Rabbis she becomes divorced only when she gives the 200 zuz. The opinion of Rebbi is that when there is a speaking and an actual action that he is doing now (even though he states with it, 'on the condition that' of a later condition) we take this as its simple meaning and with all the details, that the action he is doing right now, only that he is adding on an, 'on the condition that' that she should later fulfill the action of the condition. And therefore he (Rebbi) says, 'He who saus 'on the condition that' is exactly as if he would have said, 'from now'. The Rabbis hold that he cannot innovate (add on) 'from now' even though that without this innovation the action (of giving the GET) will not be as its simple meaning (that she is now divorced), and therefore, they (the Rabbis) say that the GET is in effect first later when she fulfills the condition.*

*"This, 'according to their opinions' of Rebbi and the Rabbis we find also by extrapolating one thing from another through a Gezerah Shava ("similar verdicts", an analogy or inference from one verse to another which contain a word common to both) -in the Order of Damages (Tractate Sanhedrin (-84a)): 'One who intentionally performed*

a misuse (of consecrated property). *Rebbi* (Yehuda HaNasi) says, 'He is punished with death (at the hand of Heaven), and the Rabbis say, '(He is liable only) for (violating) a prohibition. What is the reason of *Rebbi* (Yehuda HaNasi)? *Rabbi Abbahu* says, 'He derives (a verbal analogy: The meaning of the term of) 'sin - אָפֵן' (written with regard to one who intentionally misuses consecrated property (-Leviticus 5:15, "If a person commits a betrayal and sins (הִאָּפֵן) unintentionally against [one] of the things sacred to the Lord") is derived) from (the term of) 'sin - אָפֵן' (written with regard to an impure priest who partakes of) *Teruma* ("offering"; "lift up": the priestly dues or heave offering given to the kohain) (-Leviticus 22:9, "They shall keep My charge and not bear a sin (אָפֵן) by [eating] it [while unclean] and thereby die through it since they will have desecrated it"). Just as there (with regard to *teruma*, the priest is punished) with death (at the hand of Heaven), so too here (one who intentionally misuses consecrated property is punished) with death (at the hand of Heaven). And the Rabbis say, 'The verse states (with regard to *teruma*,) 'Because of it' (they receive death at the hand of Heaven), but not in (the case of the intentional) misuse (of consecrated property).'' According to *Rebbi*, being that the entire law of misuse of consecrated property we extrapolate through the *Gezerah Shava* from *Teruma*, thus we need to accept that the Torah means to teach us by the simple meaning and all its details -also concerning the death penalty; Not so however is the opinion of the Rabbis, that even though also according to them we extrapolate from the 'sin' 'sin' from *Teruma*, and thus there is a prohibition of ', however, being that their opinion is that the extrapolation (through the *Gezerah Shava*) is not necessarily in its simple meaning and with all its details, therefore they hold that finding the exclusion of, 'Because of it' thus we exclude, 'One who intentionally performed a misuse (of consecrated property)' from the death penalty.

"According to this we may say that the above mentioned 'according to their opinion' of *Rebbi* and the Rabbis we find as well when the dispute (of *Rebbi*) is not with the Rabbis, but with an individual is the one disputing with *Rebbi* (in which the opinion of the one disputing with *Rebbi* goes in accordance with the opinion of the Rabbis in the above mentioned disputes): In the Order of Sacred Things (Tractate Menochos (-28b)): '(With regard to Temple) service vessels that one fashioned from wood, *Rebbi* (Yehuda HaNasi) deems them unfit and *Rabbi Yosei*, son of *Rabbi Yehuda*, deems them fit. (According to this baraita, their dispute was with regard to a Candelabrum fashioned from wood, not from metal.) With regard to what (principle) do they disagree? *Rebbi* (Yehuda HaNasi) interprets (verses by means of the principle of) generalizations and details, and *Rabbi Yosei*, son of *Rabbi Yehuda*, interprets (verses by means of the principle of) amplifications and restrictions. *Rebbi* (Yehuda HaNasi) interprets (the verse (-Exodus 25:31), 'And you will make a Candelabrum of pure gold; of beaten work will the Candelabrum be made,' by means of the principle of) generalizations and details. 'And you will make a Candelabrum of' is a generalization, (as the material of the Candelabrum is not specified;) 'pure gold' is a detail, (limiting the material exclusively to gold; and by then stating), 'Of beaten work will the Candelabrum be made,' (the verse then makes) a generalization. (The result is) a generalization and a detail and a generalization, (from which) you may deduce (that the verse is referring) only (to items) similar to the detail ("A generalization followed by an detail and then a second generalization, [in which instance] the law is not extended to apply to situations [beyond the scope of the particular] unless they are similar to that particular"), (leading to this conclusion:) Just as (the item mentioned in) the detail (is clearly) defined (as a type) of metal, so too, all (other types) of metal (may be used in fashioning the Candelabrum). (By contrast,) *Rabbi Yosei*, son of *Rabbi Yehuda*, interprets (the verse by means of the principle of) amplifications and restrictions. 'And you will make a Candelabrum of' is an amplification, (as the material of the Candelabrum is not specified;) 'pure gold is a restriction, (limiting the material exclusively to gold; and by then stating,) 'Of beaten work will the Candelabrum be made,' (the verse) repeated and amplified. (There is a hermeneutical principle that when a verse) amplified and (then) restricted and (then) amplified, it amplified (the relevant category to include) everything (except the specific matter excluded in the restriction). And what did (the verse) include? It includes all materials (even wood). And what did (the verse) exclude (with this restriction)? It excluded (a Candelabrum fashioned) from earthenware (which is furthest in quality from gold).' (The restriction is not seen as an explanation of the original amplification, thus it is not restricting everything but the restriction. Thus, the second amplification is including everything, even that which is not similar to the restriction. And the restriction is only restricting one thing, which is the furthest from the restriction.) According to *Rebbi*, who holds that the extrapolation and deduction is (what more) as its simple meaning, and in inclusion of the most details similar to that which we are extrapolating and deducing from, is therefore, interprets generalizations and details, which is deducing, 'similar to the detail' -likened to the detail. *Rabbi Yosei*, son of *Rabbi Yehudah*, who goes according to the opinion of the Rabbis of (the disputes with) *Rebbi*, (holds) that also when there is a similarity in one detail, and the likes, it has a correlation, and we can call it as the name of its source (In our case: the Sacrifice of the Woods) he extrapolates amplification and restriction, which is, 'amplifying everything' also that which is not similar to the restriction, and excluding only 'of earthenware' which is, 'least of all vessels and not befitting even for a king of flesh and blood.'

"A matter in Purities (representing the sixth and final Order of Purities, but found in Tractate Eiruvin 30b): 'one who enters the land of the nations, (i.e., any territory outside the Land of Israel, not on foot, but) in a carriage, a crate, or a cupboard, *Rabbi* (Yehuda HaNasi) renders (him ritually) impure. *Rabbi Yosei*, son of *Rabbi Yehuda*, renders (him) pure. With regard to what do they disagree? One Sage (*Rebbi* Yehuda HaNasi) holds (that) a moving tent is not called a tent. (The principle is that only something fixed can shield against ritual impurity, but if one is situated inside a portable vessel, the vessel contracts impurity and he becomes impure along with it.) And the other Sage (*Rabbi Yosei*, son of *Rabbi Yehuda*) holds (that) a moving tent is called a tent (and it shields the person inside from contracting ritual impurity).' According to *Rebbi*, in order that a tent should block (shield) against an impurity, in needs to be exactly as a tent (in all its details), which is not movable, then is when it has the law of a tent it has the law to block. Contrary to this is the opinion of *Rabbi Yosei*, the son of *Rabbi Yehudah*, that even though it is not similar in all its details to a tent, however, being that it is similar in this which it is a place for itself, it has the law of a tent, and it blocks before the impurity, and like the opinion of the Rabbis mentioned earlier. And he is pure."

(xi) Nachmanides, Leviticus 1:9:

*"It is far more fitting to accept the reason for the offerings which scholars say, namely that since man's deeds are accomplished through thought, speech and action, therefore G-d commanded that when man sins and brings an offering, he should lay his hands upon it in contrast to the (evil) deed (committed). He should confess his sin verbally in contrast to his (evil) speech, and he should burn the inwards and the kidneys (of the offering) in fire because they are the instruments of thought and desire in the human being. He should burn the legs (of the offering) since they correspond to the hands and feet of a person, which do all his work. He should sprinkle the blood upon the altar, which is analogous to the blood in his body. All these acts are performed in order that when they are done, a person should realize that he has sinned against his G-d with his body and his soul, and that "his" blood should really be spilled and "his" body burned, were it not for the loving-kindness of the Creator, Who took from him a substitute and a ransom, namely this offering, so that its blood should be in place of his blood, its life in place of his life, and that the chief limbs of the offering should be in place of the chief parts of his body. The portions (given from the sin-offering to the priests), are in order to support the teachers of the Torah, so that they pray on his behalf. The reason for the Daily public Offering is that it is impossible for the public (as a whole) to continually avoid sin. Now these are words which are worthy to be accepted, appealing to the heart as do words of Agadah (homiletic teachings)"*

(xii) Maimonides, Laws of Promises 1:4:

*"It is a positive commandment of Scriptural origin for a person to fulfill his oath or vow, whether it be a vow involving prohibitions or a vow of sanctification, as it is stated (-Deuteronomy 23:24), 'that which your lips give out (utter) heed, and do as you have promised.' And it is stated (-Numbers 30:3), 'As all that he gives out from his mouth (utters) he shall do.'"*

(xiii) Maimonides, Laws of Promises 13:25:

*"Our Sages stated (-Nedarim 22a), 'Anyone who takes a vow is considered as having built a private altar (called a 'bama', which is forbidden since the time that the Holy Temple was built in Jerusalem).' And if he transgressed and took a vow, it is a mitzvah to ask (a sage) to absolve it, so that he will not have an obstacle before him. When does the above apply? With regard to vows involving prohibitions. However, with (regard to) vows involving the consecration of articles, it is a mitzvah to fulfill them and not to ask for them (absolution) only out of being (financially) pressed, as it is stated (-Psalms 116:14), 'I will fulfill my vows to G-d.'"*