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Nedarim Daf 2

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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

Mishna

(A brief introduction: A person can make a certain object forbidden to himself through a vow. He can prohibit objects belonging to him or even items belonging to his fellow. One who states, “This bread should be prohibited to me” is now forbidden to derive benefit from the bread. This is a complete declaration. He also may say, “This bread should be like a sacrifice to me.” Just as one is prohibited to derive benefit from a sacrifice, so too, he is forbidden to benefit from the bread. Our Mishna discusses other expressions that are also valid.)

The *Mishna* states: All substitute words for vows are effective just as a genuine vow (for example, if he would say, “This bread should be like a “konam,” or “konach,” or “konas” to me,” it is as if he said “korban,” meaning sacrifice, and the vow takes effect), and for *charamim* are effective just as genuine *charamim* (a *cherem* is another way of expressing a vow; the terms, “cheirek,” “cheirech” and “cheiref” are all substitute terms for “cherem,” and the object becomes forbidden to him), and for oaths are effective just as a genuine oath (if he says, “shevusah” instead of “shevuah”), and for *nezirus* are effective just as a genuine vow of a *nezirus* declaration (he will become a *nazir* by saying “nazik”).

If one says to another, “I am vowed from you,” or “I am separated from you,” or “I am distanced from you,” – “for that which I eat of yours,” or “for that which I taste of yours,” he is prohibited (these are regarded as *yados*, handles of a vow; just as one can move the entire vessel

by holding its handle, so too, one can invoke a vow by means of a partial declaration; the vow takes effect even though he did not state that the object should be forbidden because his intention is evident through his partial expression).

If one said, “I am *menudah* (excommunicated or removed) from you,” Rabbi Akiva was inclined to be stringent (and rule that the vow takes effect). (2a1 – 2a2)

Vows, Oaths and Charamim

The *Mishna* had stated: All substitute words for vows are effective just as a genuine vow. (*The Mishna proceeds to say that this halachah applies to charamim, oaths and nezirus.*)

The *Gemora* asks: Why does the *Mishna* in *Nazir* (when discussing substitute terms) not mention the *halachah* regarding the other subjects (*charamim, oaths and nezirus*), but here, the *Mishna* does teach this *halachah* regarding these other subjects?

The *Gemora* answers: Since the laws of vows and oaths are written together in the Torah, the *Mishna* mentions the *halachah* of substitute terms by oaths as well; and once two subjects were mentioned, the *Mishna* mentions all of them.

The *Gemora* asks: If so, the *halachah* regarding oaths should be mentioned immediately after the *halachah* of vows (why is the *halachah* of *charamim* in between)?



The *Gemora* answers: Since the *Mishna* taught the *halachah* of a vow, where one is prohibiting the object upon himself (*issur cheftza*), the *Tanna* mentions the *halachah* of *charamim*, where the person is also prohibiting the object upon himself. An oath, on the other hand, is where one is prohibiting himself from the object (*issur gavra*); this, the *Tanna* mentions afterwards. (2b1)

Order of Explanation

The *Gemora* asks: The *Tanna* began the *Mishna* by stating the *halachah* of substitute terms, and yet, he first explained the *halachos* of a handle to a vow (*a partial declaration*); why was it done in that manner? And furthermore, why did the *Tanna* illustrate the *halachah* of a handle to a vow without initially teaching us that there is such a *halachah*?

In response to the second question, the *Gemora* answers that some words were omitted from the *Mishna*. The *Mishna* should read as follows: All substitute words for vows are effective just as a genuine vow and all handles to a vow are effective just as a genuine vow.

The *Gemora* asks: But the *Tanna* should illustrate the *halachah* of a substitute term before illustrating the *halachah* of a partial declaration?

The *Gemora* answers: The *Tanna* explains the *halachah* that was most recently mentioned (*even though it was taught second*).

The *Gemora* cites other examples of this. A *Mishna* in *Shabbos* (20b) states: With what (type of wicks) may we light (the *Shabbos* candles), and with what may we not light them (for they do not hold the flame well)? We may not light with etc.

Another *Mishna* in *Shabbos* (47b) is cited as proof: With what may we insulate (hot foods for *Shabbos*), and with what may we not insulate them (as the substance adds heat to the food, and it doesn't merely maintain the heat)? We may not insulate with etc.

Another *Mishna* in *Shabbos* (57a) is cited as proof: What can a woman go out with on *Shabbos* and what may she not go out with on *Shabbos*? [*The Sages decreed that a woman should not go out with certain ornaments on Shabbos, because she may come to remove it to show a friend, and she will then carry it four amos in a public domain.*] A woman may not go out with etc.

The *Gemora* asks from several other *Mishnayos* where the opposite is evident; the *Mishna* begins with one *halachah*, then mentions another, and then returns to explain the first *halachah* first?

A *Mishna* in *Bava Basra* (108a) is cited as proof: There are some who inherit and bequeath, and there are some who inherit and do not bequeath, etc. The *Mishna* explains: There are some who inherit and bequeath.

A *Mishna* in *Yevamos* (84a) is cited as proof: There are those women that are permitted to remain with their husbands, but if the husband dies childless, they are forbidden to their *yavams*. There are some that are permitted to their *yavams*, but they are prohibited to remain with their husbands. The *Mishna* explains: There are those women that are permitted to remain with their husbands, but if the husband dies childless, they are forbidden to their *yavams* etc.

Another *Mishna* (in *Menachos* 59a) is cited as proof: There are *Minchah* offerings that require oil and *levonah* (frankincense), and there are *Minchah* offerings that require oil but no *levonah*. And these are the *Minchah* offerings that require oil and *levonah* etc.



Another Mishna in Menachos (60a) is also cited as proof: There are some *minchah* offerings that require *hagashah* (bringing near the altar) and do not require *tenufah* (waving), and there are other *minchah* offerings that require *hagashah* and *tenufah*. The following require *hagashah* and do not require *tenufah* etc.

Another Mishna (in Bechoros 46a) is cited as proof: There is a bechor (firstborn) who is regarded as a bechor with respect of inheritance but not regarded as a bechor with respect of (redemption from) a Kohen. There is a bechor that is regarded as a bechor with respect of (redemption from) a Kohen but not regarded as a bechor with respect of inheritance. And which is a bechor who is regarded as a bechor with respect of inheritance but not regarded as a bechor with respect of (redemption from) a Kohen etc.

The *Gemora* answers that in those instances, the *Mishna* mentioned several different categories (if the *Tanna* would have explained them in their reverse order, it would have caused confusion). He, therefore, chose to explain them in the order they were mentioned.

The *Gemora* asks: This answer will not explain the following *Mishna* in *Shabbos*: With what accessories may an animal go outside with on *Shabbos* and with what accessories may it not go out on *Shabbos* with? A camel may go outside with the following etc. Here, we see that the *Mishna* does not have different categories, and nevertheless, the *Tanna* explains the opening subject first?

The *Gemora* answers: The *Mishna* is not particular as to which is explained first. The *Tanna* will sometimes explain the opening subject first, and sometimes will explain the subject which was most recently mentioned first. (2b1 – 3a1)

Quick Summary

- * When will a “substitute term” be sufficient?

By a vow, *cheirem*, oath and *nezirus*.

- * What is the distinction between a vow and an oath?

A vow is where he is prohibiting the object upon himself and an oath is where he is prohibiting himself from the object.

- * If the *Tanna* states two *halachos*, which one does he explain first?

He is not particular regarding the order.

INSIGHTS TO THE DAF

The Ra”n Elucidated

LINKAGE - One who states, “This bread should be prohibited to me” is now forbidden to derive benefit from the bread. This is a complete declaration. He also may say, “This bread should be like a sacrifice to me.” Just as one is prohibited to derive benefit from a sacrifice, so too, he is forbidden to benefit from the bread.

In order for the vow to take effect, he is not required to link the subject of the vow to a forbidden item; however, if he chooses to link the subject of the vow to an object previously forbidden, that object must be one that was prohibited through a vow and not to something intrinsically forbidden. (*Other Rishonim maintain that a neder without hatfasah is not regarded as an ikkur neder; it is only effective as a yad to a neder.*)

NAME OF HASHEM - The *Mishna* stated: All substitute words for oaths are effective just as a genuine oath (*if he says, "shevusah" instead of "shevuah"*). It may be proven from here that an oath taken without mentioning the Name of Hashem is completely valid, for otherwise (*if he did indeed mention Hashem's name*), why would this language be regarded as a substitute term for an oath; we have learned that if one states that he will not do something and includes the Name of Hashem, that itself is regarded as an oath.

He asks from the *halachah* of an oath by witnesses where one is required to include the Name of Hashem. He answers that this (*if any oath requires the Name of Hashem*) is a matter of dispute between the Tannaim.

He cites Rabbeinu *Tam's* opinion that there is a distinction between an oath administered by someone else (*the Name of Hashem must be included*) and one taken by himself (*it is not required*). The Ran strongly disagrees with this distinction.

SWITCHING THE LANGUAGE - The *Gemora* had stated: Since the *Mishna* taught the *halachah* of a vow, where one is prohibiting the object upon himself (*issur cheftza*), the *Tanna* mentions the *halachah* of *charamim*, where the person is also prohibiting the object upon himself. An oath, on the other hand, is where one is prohibiting himself from the object (*issur gavra*); this, the *Tanna* mentions afterwards.

He cites the opinion of Rabbeinu Chananel, who derives from our *Gemora* that if one pronounces a vow using the language of an oath (*I make a vow not to eat this bread*) or he takes an oath using the language of a vow (*This bread is forbidden to me by an oath*), the vow or the oath have no validity and he is permitted to eat the bread.

He cites the opinion of the Ramban who disagrees and holds that even though it is not regarded as a basic type

of vow, it does take effect on account of being "a handle of a vow." It is a partial declaration and he will be prohibited from eating the bread.

Master of All

The Ran maintains if one states that he will not do something and includes the Name of Hashem, that itself is regarded as an oath. He proves this from a *Gemora* below (22b) which says that if one says, "By the Master of all, I will not eat it," he is prohibited from eating it, although he did not say that he was invoking an oath.

It is evident from this Ran that the words "Master of all" is regarded as saying the Name of Hashem. If so, Reb Shlomo Zalman Auerbach asks: How would one be permitted to mention this expression (*Adon Olam*) in his daily speech; it should be regarded as pronouncing the Name of Hashem in vain?

The Chasam Sofer writes that this is indeed the *halachah*. Just as saying "The Compassionate One" in Hebrew is considered an oath, so too, if he says "Rachmana" in Aramaic, it is regarded as an oath. And just as these expressions are included in the prohibition of swearing with the Name of Hashem in vain, so too, if one uses this expression in vain, he has violated this prohibition, for both of these transgression (*swearing falsely and saying Hashem's Name in vain*) are derived from the same verse. Reb Shlomo Zalman is deeply troubled by this ruling, for if so, it would be forbidden to say "Ribbono shel Olam," or "Adon Olam," and this is not found in the poskim.

The Netziv cites a different ruling of the Chasam Sofer: If one finds himself in a situation where he is uncertain if he should recite a certain blessing or not, he may say the following: *Brich Rachmana Mara D'alma (Blessed is the Compassionate One, Master of all)*. This would seemingly be a contradiction to the other ruling of the Chasam Sofer.

If “Master of all” is considered the Name of Hashem in regards to an oath and in respect to uttering the Name of Hashem in vain, what remedy is there by reciting this other version of the blessing; he is anyway saying the Name of Hashem? Reb Akiva Eiger rules that one is prohibited from using this other version because of this concern.

DAILY MASHAL

Power of Speech

The story is told of a woman whose husband frequently insulted her. She would respond angrily, which in turn provoked an even more offensive response, resulting in a spiral of back-and-forth shouting and name-calling. Exasperated, the woman consulted with her Rabbi, who gave her a curious piece of advice. He said that each time her husband said something hurtful to her, instead of responding, she should take a hammer and bang a nail into some surface.

And so, that day, when the husband insulted the woman, she didn’t say a word. She went upstairs with a hammer, and banged a nail into a wall. When he insulted her again for doing something so foolish, she again banged a nail into a wall.

This went on for several weeks, until finally the husband wanted to know what was going on. The wife told him about the Rabbi’s suggestion, and showed him the approximately 100 nails in the wall.

“I offended you so many times?” the husband asked.

“Yes,” the wife confirmed. “Each nail is another time you said something hurtful to me.”

“Well,” the husband said, “it should work the other way, as well. Every time I say something nice to you, you should remove a nail from the wall.” The idea sounded reasonable, so the wife agreed.

Sure enough, the husband starting showering his wife with compliments. He praised her for her meals, her appearance, and her personality, told her how much she meant to him and said that he loved her. Each time, a nail came out of the wall. Finally, the day arrived when the last nail was pulled out.

“You see?” the husband said. “It’s all fixed now. The nails are all gone.”

“Not quite,” the wife replied. “Yes, the nails are gone – but look at all the holes that are left in the wall. They still need to be filled.”

Our words can destroy, or heal, our relationships.

Rabbeinu Yonah says that when a Jew sanctifies his mouth, it becomes a vessel sanctified for holy use in the temple. We have the power with our language to sanctify God, to build a sacred space for the divine on earth, to create angels, and even to create new heavens.