

# תלמוד בבלי

מהדורת  
גבורת עקיבא

מסכת נדרים

## **The Daf Yomi Shiur Gemara**

*A new, free-flowing explanatory  
translation of the Gemara*

*Volume One Dafim 2a - 13b*

Dear Lomeid,

B”h we are excited to present ‘The Daf Yomi Shiur Gemara’, a Gemara that will IY”H help the lomdei daf hayomi learn the daily daf with an unparalleled level of clarity and understanding .

Primarily this Gemara has three advantages:

- 1) The translation is structured in the format of a daf yomi shiur. In a typical shiur, the maggid shiur will first introduce a new topic. He will then read the Gemara inside for a couple of lines and then stop to explain what was just read. He will then continue to read the next Gemara and then stop to explain the new material. And this goes on for the duration of the shiur. This translation mimics this approach as will quickly become apparent. The advantage of having a translation written in this manner is that it allows for the lomeid to easily incorporate the translation and its explanation without the need to piece together the main texts with the footnotes. Anything that is needed to understand the Gemara is included in the main text. Questions and comments that are important to the sugya but are not necessary for the actual understanding of the Gemara are included in the footnotes. Each footnote is clearly labeled in order to allow the lomeid to see if this is something he wants to look into.
- 2) The translation is written in the language that a typical lomeid speaks. Now while there is certainly nothing wrong with discussing ‘the tablets that Moses brought down from the Heavens’, this is simply not the way many of the lomdei daf yomi speak. And indeed, the vast majority of daf yomi shiurim are not given in this manner (this can be seen by going to the All Daf website and listening to what are considered to be the best daf yomi shiurim available). This is for the simple reason that it is far more enjoyable and easier to learn in the language that one is used to. As such, ‘the English’ that this translation uses is ‘the English’ that is used by a typical maggid shiur.
- 3) An added advantage of this translation is that it is divided into different topics. The typical daf yomi learner has only a relatively short amount of time to learn a tremendous amount of material, something that can easily be overwhelming and difficult to absorb. Having each daf of Gemara separated into separate topics will help the lomeid to understand each topic as it is presented and to achieve clarity in his learning.

In this sample, we have included several pages from two different dafim to demonstrate the various aspects of the Gemara.

IY”H the first volume of the meseches Nedarim will be available shortly (in time for the daf) and each subsequent volume will be available with the daf yomi schedule. One can order the Gemara by going to [thedafyomishiurgemara.com](http://thedafyomishiurgemara.com) or by going to Amazon.com and searching for The Daf Yomi Shiur Gemara (delivery is typically within two days of your order). One can also purchase a copy of the Gemara at select seforim stores or by calling 848-223-8816.

Dedications are currently available. One can dedicate individual volumes, a specific daf (for a yearzeit etc.), or the entire project. Please call the above number for more information.

B’kavod Rav,

The Daf Yomi Shiur Gemara

## Introduction

There are four types of expressions with which one can make something assur (forbidden). They are nedarim, charamim, shevuos, and nezirus (see footnote where each one of these is explained). The Mishna will tell us that each of these expressions can be used in one of three ways. They can be used in their fully stated form, its 'kinui' form, or its 'yados' form. We will explain each one of these terms with regard to nedarim, and they will apply to the other expressions as well.

- 1) One can make a fully stated neder by saying, "This bread is assur (forbidden) to me" or by saying "This bread is a korban (sacrificial offering) to me". A korban is assur to a person, and by saying that this bread should be like a korban, he is in effect saying that this bread should be assur to him. Both these cases are examples of fully stated nedarim.
- 2) Although this is the standard text of a neder, a person can also substitute some of the words of the neder for other words. For example, instead of saying that the bread is a 'korban' to him, he can say that the bread is a 'konam' to him. This is known as the kinui or nickname of the neder (the colloquialism of the neder). Just like a person's nickname refers to the person but by a different name, so does the kinui of a neder. Instead of saying the proper words of the neder, you use these words instead.
- 3) The third way of making a neder is to use yados, lit. hands. That is, instead of saying the full neder, you say just part of a neder. The Mishna teaches us that this is good enough to affect a neder as these few words serve as the yad, i.e., the handle (hand) of the neder. That is, just like a handle holds a utensil, so too, these few words will create the neder.

The Mishna tells us that with regard to nedarim, charamim, shevuos, and nezirus, the full expression, a kinui of the expression, or a yad of the expression can be used.

### משנה

All kinuie nedarim	כל כינויי נדרים
are like nedarim	כנדרים
And (all kinuie) charamim (a form of neder, see footnote)	וחרמים
are like charamim	כחרמים
and (all kinui) shevuos	ושבועות

are like shevuos  
and (all kinui) nezirus  
are like nezirus<sup>1</sup>

כשבועות  
ונזירות  
כנזירות

The Mishna teaches us that regarding nedarim, charamim, shevuos, or nezirus, it does not make a difference if you use their standard form or if you use their kinuyim. In either case, they are effective.

The Mishna will now describe one who uses yados (hands/handles) to make a neder. That is, he will not say the

#### 1 The Definitions of Nedarim, Charamim, Shavuos, and Nezirus

**Nedarim** - The Ran explains that in reality there are two distinct types of nedarim. The first type of neder is when a person makes a neder (promise, vow) to give an object to the Bais Hamikdosh (בדק הבית) or to the mizbayach (as a korban). These types of nedarim are known as נדרי הקדש and can only be made on one's own property. However, our Meshecta will be discussing the second type of nedarim known as נדרי איסור - nedarim that make something, or someone, assur. A person can make a neder by saying that this object is assur to him. This would work even if the object does not belong to him. Or a person can make a neder and say that it is assur for a certain person to get any benefit from him or from his possessions. In this case, when he is saying that a different person should become assur to get benefit, he can obviously only do so on his own possessions. That is, a person could decide that his possessions should become assur on whoever he wants but he cannot affect the possessions of others (except with regard to making someone else's possessions assur on himself).

**Charamim** - These are vows similar to nedarim. The first type of chairim is where a person says that this object or animal is chairim, and by doing so, the object or animal would become hekdes and belong to the Bais Hamikdosh. There is a second type of charamim, and those are the ones mentioned in our Mishna. A person can say that this object is chairim to him. By doing so, the

object will become assur to that person. This is because by saying that the object is chairim, in essence, he is saying that the object should be like hekdes (see Mishna :מד and the Rishonim there). That is, just like hekdes is assur to him, so too this object should become assur as well. Additionally, a person could say that a different person is chairim to him. And once again, by doing so he will be in effect doing the same thing as if he would have made a neder that the other person should be assur to him. This is because by saying that the other person should be chairim, he is saying that the other person should be like hekdes which is forbidden to benefit from.

**Shevuos** - A shevuah (promise, oath) is similar but different from a neder. A neder makes the object assur, that is, he says that the object should be forbidden to him. A shevuah on the other hand does not relate to an object but rather to the person. That is, a person can make a shevuah that it is forbidden for him to eat that loaf of bread. This is different than a neder in which the person does not say that he is forbidden to eat but rather that the loaf of bread should become assur. In other words, the difference between a shevuah and a neder is with regard to what is affected, the person or the object.

**Nezirus** - A person has the ability to make himself into a nazir by saying that he wants to be one.



complete expression of a neder, but instead, he will just say a couple of words, and from these words, his intent will be clear.

One who says to his friend	הַאֹמֵר לְחֵבְרוֹ
“I am in a state of neder regarding you”	מִוִּדְרָנִי מִמֶּךָ
(or) “I am separated from you”	מִוִּפְרָשְׁנִי מִמֶּךָ
(or) “I am distanced from you”	מִרוֹחֵקְנִי מִמֶּךָ

A person says one of these three phrases and he then concludes his words with one of the next two phrases.

(Either he says) “that I eat from you”	שֶׁאֲנִי אוֹכֵל לָךְ
(or) “that I taste from you”	שֶׁאֲנִי טוֹעֵם לָךְ

And a result of this neder:

(he is) forbidden (to benefit from his friend)	אָסוּר
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In all of these cases, although he did not say a complete neder, since he said enough to make his intentions understood, this is enough, and it will therefore be assur for him to benefit from this person.

The Mishna concludes:

(If someone says) “I am menudah to you”	מְנוּדָה אֲנִי לָךְ
(Regarding this case) Rebbi Akiva	רַבִּי עֲקִיבָא
was ‘chochaik” (see footnote)	הָיָה חוֹכֵךְ בְּזָה
to be machmir (stringent)	לְהַחְמִיר

When a person says “I am a menudah to you” his intent is not clear. The Ran explains that Rebbi Akiva was not sure if this expression constitutes a yad for a neder or not, and therefore, Rebbi Akiva was machmir to say that one has to assume that it is a yad. The Gemara later on will tell us that although this is the shita (opinion) of Rebbi Akiva, the Chachamim disagree and they hold that this is definitely not considered a yad for a neder.<sup>2</sup> The Gemara later on will discuss the different possibilities for what the person could have meant and what R' Akiva and the Chachamim hold.

## 2 What Are the Kinuyim?

The Mishna told us that if a person substitutes certain words known as kinuyim instead of the proper neder, the neder still works. And not only can one use kinuyim for nedarim, but they can be used for charamim, shevuos, and nezirus, as well. These kinuyim (substitute words) will be listed later on daf 10.

## The Meaning of the Word ‘Chochaik’

The Ran (7a) gives two possible explanations for this word. It could be that it comes from the word חוֹכֵךְ which means to rub, that is, Rebbi Akiva was like a person who rubs himself when he does not understand something. The Ran then says that it could be that the word comes from the word חֵיךְ – palate, that is, it was tasteful to his palate to be machmir.



**Nedarim 8a****Making a Shevuah to Fulfill a Mitzvah**

The daf starts with another statement from Rav Gidel in the name of Rav.

How do we know	מִיָּנִי
that we (can) make a shevuah (i.e. swear)	שְׁנִשְׁבַּעְתִּי
to fulfill a mitzvah	לְקַיֵּם אֶת הַמִּצְוָה
(Tehillim	שְׁנִשְׁבַּעְתִּי 119:106
as it says	
”I swore and I will fulfill	נִשְׁבַּעְתִּי וְאֶקְיָמָהּ
to keep your righteous laws”	לְשֹׁמֵר מִשְׁפָּטֵי צְדָקָה

The Ran explains that the Gemara understands that Rav Gidel was trying to say that the shevuah that a person makes to do a mitzvah is the same as any other shevuah that he makes (i.e., and if the person will break this shevuah, he will have to bring a korban chatas).

And on this the Gemara asks that:

But he is sworn and ‘standing’	וְהֵלֵא מוֹשְׁבָע וְעוֹמֵד
from Har Sinai	מִהַר סִינַי הוּא

The Gemara in meseches Shevuos (27a) tells us that since a person is already obligated to do a mitzvah (as the entire Klal Yisroel stood by Har Sinai and accepted the Torah), if he makes a shevuah to do a mitzvah, he will not have to bring a korban if he violates this shevuah (see footnote). That is, since he already made a shevuah at Har Sinai, the shevuah that he now makes cannot be chal as a complete shevuah. If so, how could Rav Gidel say that he will be chayiv in a korban chatas if he violates this shevuah that was made to fulfill a mitzvah?

**<sup>46</sup> What is and What is Not the Chiddush of Rav Gidel According to the Ran?**

The way the Ran understands the Gemara there are only two possibilities to explain the chiddush of Rav Gidel. Either he is coming to tell us that one who violates this shevuah is chayiv a korban, or the chiddush is that it is a proper thing to make this type of shevuah despite the fact that normally we try to stay away from making shevuos.

But why does the Gemara not simply hold that the chiddush of Rav Gidel is that the shevuah is ‘chal’ at all? That is, the chiddush could be, that despite the fact that the shevuah is not ‘chal’ with regard to bringing a korban it is ‘chal’ with regard to malkus.

The Ran answers that this could not be the chiddush of Rav Gidel because if it was, why did he not say so. That is, Rav Gidel should have said that despite the fact that a shevuah on a mitzvah does not obligate one in a korban, he will get malkus if he violates it? Why does he need to quote the posuk in Tehillim?

The Ran explains that initially the Gemara thought to say that the chiddush of Rav Gidel is that the shevuah is a complete shevuah, and the proof is from the posuk, as we see in the posuk that the shevuah is chal.

And the Gemara then says that the chiddush of Rav Gidel is not to say that this shevuah is a complete shevuah even with regard to bringing a korban but rather the chiddush is that it is a proper thing to make this type of shevuos, as this is seen from the fact that Dovid Hamelech made such a type of shevuah.

The Gemara answers:

Rather	אַלֵּא
this comes to teach us	הָא קָא מְשַׁמַּע לָן
that it is permitted for people (to make this type	דְּשָׂרִי לִיה לְאִינִישׁ
of shevuah)	לְהַוְיָא שְׁבֻעָה
to ‘encourage’ himself	לְהוֹזִי נַפְשֵׁיהּ

The Ran explains that the Gemara always understood that a shevuah on a mitzvah is ‘chal’ (and if the person transgresses this shevuah, he will receive malkus). The change of the Gemara is that initially the Gemara thought that the chiddush of Rav Gidel was to say that the shevuah is chal even with regard to bringing a korban, and now the Gemara is saying that the chiddush is with regard to this that it is a good thing to make this type of shevuah (and even in the Gemara’s answer, the shevuah is chal).

That is, although typically the righteous people would not make shevuos (as it is better to avoid making shevuos), if the reason that he is making a shevuah is in order to be מְרַר himself, then it is considered a good thing.

As to why the chiddush of R' Gidel can't be simply that the shevuah is ‘chal’ in the first place, see footnote. Also see footnote regarding the shitos that holds that this shevuah is indeed not ‘chal’ at all.<sup>46</sup>

The Gemara continues:

And Rav Gidel said	וְאָמַר רַב גִּידֵל
that Rav said	אָמַר רַב
one who says	הָאוֹמֵר
“I will get up and learn	אֶשְׁכֵּם וְאֶשְׁנָה
this perek” <sup>47</sup>	פָּרָק זֶה

**The Shita of the Rosh in the Understanding of the Gemara**

The Rosh explains the Gemara differently than the Ran. He explains that at first the Gemara thought that the chiddush of Rav Gidel was to say that one is allowed to make shevuah on a mitzvah and we don't say that it is assur to do so as he is running the risk of violating it.

And on this the Gemara asks that how we can say that the shevuah is ‘chal’ if the Gemara tells us that since Klal Yisroel already accepted all the mitzvohs at Har Sinai, one cannot make a shevuah on a mitzvah.

To which the Gemara answers that this is true, that this shevuah will not be ‘chal’ at all (i.e., not like the shita of the Ran), but a person is allowed to make it anyway. That is, the fact that the shevuah is not ‘chal’ does not make it as if he said Hashem's name in vain, as the reason why he said Hashem's name was for a constructive purpose (he is using Hashem's name to make this shevuah in order to encourage him to do the mitzvohs).

**<sup>47</sup> A Person's Obligation to Learn**

The Ran points out that although the Gemara says that a person can be yotzie his chiyuv to learn by saying Shema during Shacharis and Maariv, what he adds to this is considered something that he is not obligated in and that is why the shevuah is ‘chal’.

