

Nedarim 10a

Our daf starts with the continuation of trying to determine who can be the author of our Mishna. Our Mishna had said that it was the practice of the kesayrim to make nedavos and not nedarim. At first, we thought that this cannot be in accordance with either R' Meir or with R' Yehuda. R' Meir had said that the best thing is not to make a neder at all and R' Yehuda had said that the best thing is to make and keep your neder. And neither of them made the distinction of the Mishna between nedavos that you should make and nedarim that you shouldn't make.

The Gemara had previously explained how the Mishna could be in accordance with R' Meir and our Gemara will now say how it could be in accordance with R' Yehuda.

You can even say אָפּילוּ תִימָא
(it is like) R' Yehuda רַבִּי יְהוּדָה
(and) when did Reb Yehuda say (it is good to כִּי אָמַר רַבִּי יְהוּדָה
make 'nedarim')

(this was only with regard) to nadava בְּנִדְבָה
(but with regard to making) a neder בְּנִדָר
he did not say לֹא אָמַר

According to this, R' Yehuda holds exactly like our Mishna, that while it is considered a good thing to make a nadava, it is better not to make a neder.

The Gemara asks:

But we learned in the Baraisa וְהִקְתַּנִּי
better than this and this טוֹב מִזֶּה וּמִזֶּה
(is someone) who makes a neder נֹדֵר
and fulfills it וּמְקַיֵּם

The Gemara asks that the very Baraisa that tells us the shita of Reb Yehuda is referring to nedarim, and if so, how can we now say that R' Yehuda was only referring to nedavos and not nedarim?

The Gemara answers:

Learn the Baraisa (as saying) תִּנִּי
someone who makes a nadava נֹדֵב

60 Why Does the Gemara Not Answer the Shita of R' Yehuda in the Same Way that it Answered the Shita of R' Meir?

Tosefos points out that seemingly the Gemara could have answered exactly as it did before. Previously we said that the Mishna could not be in accordance with R' Meir and the Gemara answered that although R' Meir holds that a person should not make a neder, he should make nedavos. And on this the Gemara asked why they are different, and the Gemara answered this question. But now we are saying the same in R' Yehuda. That although R' Yehuda had said it is good to make nedarim, this actually refers to nedavos and R' Yehuda holds that one should not make nedarim. In other words, what

and fulfills it

וּמְקַיֵּם

The Gemara answers as it did before that we need to change what the Baraisa said, that instead of the Baraisa discussing nedarim, it is really discussing nedavos, and that is why it is considered a good thing to make them.

The Difference Between Nedarim and Nedavos according to Reb Yehuda

The Gemara now asks:

What is the difference	מֵאֵי שָׁנָא
(between) a neder	נֹדֵר
that (we say) no (one should not make it)	דְּלֹא
(because) maybe	דִּילְמָא
it will come to a mishap	אֲתֵי בֵּה לִידֵי תַקְלָה
(with regard to) a nadava also	נִדְבָה נְמִי
maybe	דִּילְמָא
he will come to a mishap	אֲתֵי בֵּה לִידֵי תַקְלָה

The Gemara is now saying that while R' Yehuda holds that it is better not to make a neder, it is considered a good thing to make a nadava. But what is the difference between the two? Presumably, the reason why a person should not make a neder is out of a concern that he might come to break it, but if so, why is this concern not valid with regard to making a nadava?

R' Yehuda	רַבִּי יְהוּדָה
goes according to his reasoning	לְטַעְמֵיהָ
that he said	דְּאָמַר
a person brings	אָדָם מְבִיא
his keves (lamb, i.e., his korban)	כֶּבֶשֶׁתוֹ
to the Azara	לְעִזָּרָה
and makes it hekdesh	וּמְקַדִּישָׁהּ
and leans on it	וְסוֹמֵךְ עָלֶיהָ
and schechts it	וְשׁוֹחֲטָהּ

The Gemara explains that R' Yehuda would say as we answered on the last amud, that when a person would bring a nadava, they would do as Hillel did. That is, R' Yehuda would

we are now saying in the shita of R' Yehuda, is the same as we previously said in the shita of R' Meir. If so, the question and answer should be the same as well, and yet the Gemara gives a different answer. But why? Why did the Gemara not just answer as it did before (with the story of Shimon Hatzaddik)? The Rosh answers that in reality our Gemara could have answered as it did before, but the Gemara would rather answer the shita of R' Yehuda with something that R' Yehuda himself said.

say that every person should bring his korban to the Bais Hamikdosh and only as the animal is about to be brought into the Bais Hamikdosh should the owner make the animal hekdesh. Doing this would prevent a person from being ma'al in the animal, and as such, there would be nothing wrong with making a nadava.

And on this the Gemara asks as it did before:

This is good	תִּינַח
(the) nadava of korbanos	נְדָבָה דְקָרְבָנוֹת
(but the) nadava of nezirus	נְדָבָה דְנִזְיוֹת
what is there to say	מֵאִי אֵיכָא לְמִימַר

The Gemara asks as it did before, that how could it be considered a good thing to make a nadava to be a nazir if there is a possibility that the person will transgress his nezirus?

The Gemara answers:

R' Yehuda	רַבִּי יְהוּדָה
goes according to his reason	לְטַעְמֵיהּ
as we learned in a Baraisa	דְתַנַּיָא
R' Yehuda says	רַבִּי יְהוּדָה אָמַר
the early (first) Chassidim	חֲסִידִים הָרֵאשׁוֹנִים
would 'long'	הָיוּ מִתְאַוִּין
to bring	לְהַבִּיאַ
a korban chatas (but they couldn't)	קָרְבַּן חֲטָאת
for Hashem does not	לְפָנֵי שְׁאֵין הַקָּדוֹשׁ בְּרוּךְ הוּא
bring a mishap	מִבִּיאַ תְּקֵלָה
through their hands	עַל יְדֵיהֶם

A korban chatas is brought for doing an avayra, and as such, tzadikim would not be able to bring this korban as they would not do avayros.

(So) what would they do	מָה הָיוּ עוֹשִׂין
they would get up	עוֹמְדִים
and make nedavos to be a nazir	וּמִתְנַדְּבִין נִזְיוֹת
to Hashem	לְמִקּוּם
in order	כְּדִי
that he should become obligated	שְׂתִתְחַיֵּב
(to bring) a korban chatas	קָרְבַּן חֲטָאת
to Hashem	לְמִקּוּם

One of the korbanos that a nazir brings when he is finished being a nazir is a korban chatas. As such, by becoming a nazir, a person would be able to bring a korban chatas without doing an actual avayra. And since the Chassidim would become nezirim with such pure intentions, there is no concern that they might come to violate their nezirus. And this is the case of the

Mishna. That a person says that he wants to become a nazir like the kesayrim, i.e., he wants to become a nazir with the same pure intentions that the Chassidim had.

The Shita of R' Shimon - What Would a Person Do if He Wanted to Bring Korbanos?

Although R' Yehuda said that there were those tzadikim who would purposely become a nazir in order to be able to bring a korban chatas, R' Shimon is going to disagree and say that they would never do so.

R' Shimon says	רַבִּי שְׁמַעוֹן אָמַר
they would not make a neder	לֹא נִדְרִי
to become a nazir	בְּנִזְיֹר
rather	אֶלֶּא
one who wants	הַרוֹצֶה
to bring a (korban) olah	לְהַבִּיאַ עוֹלָה
he would make a nadava (to do so)	מִתְנַדְּבַ
and brings it	וּמִבִּיאַ
(and if a person wants to bring a) shelamim	שְׁלָמִים
he makes a neder and brings it	מִתְנַדְּבַ וּמִבִּיאַ
(and if a person wants to bring a) todah	תּוֹדָה
and the four	וְאַרְבָּעָה
types of bread (that are brought with the todah)	מִיְנֵי לֶחֶמֶה
he makes a nadava and brings them	מִתְנַדְּבַ וּמִבִּיאַ

But with regard to nezirus	אֲבָל בְּנִזְיוֹת
they do not make a nadava	לֹא הִתְנַדְּבוּ
in order	כְּדִי
they should not be called	שְׁלֹא יִקְרָאוּ
sinners	חוֹטְאִין
as it says (Bamidbar 6:11)	שְׁנֹאֲמַר
“And he (the Kohen) will atone	וְכִפֵּר
for him	עָלָיו
from this that he sinned	מֵאֲשֶׁר חָטָא
against his soul”	עַל הַנַּפְשׁ

Although this posuk is referring to a nazir who became tamei (which was forbidden to happen), the Gemara will bring the shita of R' Shimon who holds that this is even referring to a nazir that remained tahor. That is, R' Shimon holds that a person does an avayra when he becomes a nazir (how he learns this from the posuk will be explained later on in the Gemara).

**The Three Shitos that Hold that a Person Does an Avayra
by Becoming a Nazir**

Abaye said	אמר אביי
Shimon Hatzaddik	שמעון הצדיק
and R' Shimon	ורבי שמעון
and R' Elazar Hakapar	ורבי אלעזר הקפר
all of them	כילן
are of one opinion	שיטה אחת הן
that a nazir is a sinner	דנזיר חוטא הוי
Shimon Hatzaddik	שמעון הצדיק
and Reb Shimon	ורבי שמעון
we already said	הא דאמרן

In the previous Gemaras, we brought how Shimon Hatzaddik would not eat from the korban of any nazir with the exception of a particular nazir. The Gemara also quoted R' Shimon that said that although the early Chassidim would make nedavos in order to bring various korbanos, they would not make a nadava to become a nazir as a nazir is called a sinner and they did not want to have this label associated with them.

From these Gemara's we see how Shimon Hatzaddik and R' Shimon both hold that a nazir is called a sinner. The Gemara will now show how this is the shita of R' Shimon Hakapar as well.

And with regard to R' Elazar Hakapar	ורבי אלעזר הקפר ברבי
	Berabi
as we learned in a Baraisa	דתניא
R' Elazar Hakapar Berabi says (on	רבי אלעזר הקפר ברבי אומר
	the posuk)
“And he will atone for him	וכפר עליו
for this that he sinned	מאשר חטא
against his soul”	על הנפש

But with which soul	וכי באיזו
did he sin	נפש חטא זה

R' Elazar Hakapar Berabi understands that the posuk is not just referring to a nazir tamei but rather to a nazir tahor as well. But why is this true? Which avayra did this nazir do?

R' Elazar Hakapar Berabi answers:	
Rather (the avayra is)	אלא
for this that he pained himself	שציער עצמו
from wine	מן היין

The very fact that this person caused himself pain by denying himself wine is a considered an avayra.

The Avayra of Fasting

The Gemara just told us that because a nazir pains himself by refraining from wine this is considered an avayra. The Gemara will now tell us that there is another person who is also considered as doing an avayra for depriving himself.

But is it not a kal v'chomer	והלא דברים קל וחומר
just like this (person)	ומה זה
that he did not pain himself	שלא ציער עצמו
only by (refraining) from wine	אלא מן היין
(and yet) he is called a sinner	נקרא חוטא
one who pains himself	המצער עצמו
from everything	מכל דבר
certainly it should be so	על אחת כמה וכמה
(therefore) from here (we see)	מכאן
(that) anyone who sits in taanis	כל היושב בתענית
is called a sinner	נקרא חוטא

If a nazir is considered as someone who did an avayra as a result of his refraining from wine, then certainly someone who refrains from eating any food (i.e., the person who is fasting) is considered as someone who has done an avayra.

We now have three shitos that hold that a nazir is called a sinner: Shimon Hatzaddik, R' Shimon, and R' Elazar Hakapar. However, there is a significant difference between them. According to Shimon Hatzaddik, only a nazir tamei is called a sinner, but according to R' Shimon and R' Elazar Hakapar, even a nazir tahor is called a sinner.

And on this the Gemara asks:	
But the posuk	והדיו קרא
is written with regard to a nazir tamei	בנזיר טמא כתיב

If the posuk is referring to a nazir that became tamei, how can R' Shimon and R' Elazar Hakapar use this posuk to prove their shita that even a nazir tahor is considered as a person who has done an avayra?

The Gemara answers:	
Because	משום
he repeated his avayra	דשנה בחטא הוא

The Gemara answers that the reason that the posuk calls this tamei nazir a sinner is not because he did an avayra, but rather he is called a sinner as he has repeated his avayra. That

is, he did his first avayra by becoming a nazir, and he then repeated his avayra when he became tamei.

The Ran explains that if the posuk was just referring to a nazir tamei, the posuk should have said ‘for this that he sinned’. But now that the posuk adds the words ‘against his soul’, we understand that his avayra started from even before he became tamei, that is, the posuk is telling us that the actual action of becoming a nazir in the first place is also considered an avayra.

משנה

In the first Mishna, we learned that when making either nedarim, or nedavos, or shevuos, or nezirus, kinuyim can be used. That is, one does not have to say the actual words of the neder, but he can use ‘substitution’ words as well. The Mishna will now discuss which words are considered as kinuyim.

If one says	האומר (להכיר)
konem, konach, or konas	קנים קונח קונס
these are	הרי אלו
kinuyim for (making) a korban	כיניוין לקרבן

Cherek, cherech, cheref	חרק חרף חרף
these are kinuyim	הרי אלו כיניוין
for (making) a chairim	לחרם

Nazik, naziach, paziach	נזיק נזיח נזיח
these are kinuyim	הרי אלו כיניוין
for nezirus	לנזירות

Shevusah, shevukah,	שבותה שקוקה
(or if he says) the neder of Mohi	נודר במוהי
these are kinuyim	הרי אלו כיניוין
for making a shevuah	לשבועה

The Ran explains that the name ‘Mohi’ is used in place of Moshe, and this person is saying that his shevuah should be effective like the shevuah of Moshe.

גמרא

What Are Kinuyim? – The Machlokes R’ Yochanan and R’ Shimon ben Lakish

It was learned (said)	איתמר
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(with regard to) kinuyim	כיניוין
R' Yochanan said	רבי יוחנן אמר
they are (words from) foreign languages (lit. of the nations)	לשון אומות הן (lit. of the nations)
R' Shimon ben Lakish said	רבי שמעון בן לקיש אמר
(they are) expressions	לשון
that the Chachamim created	שפדו להם חכמים
to make nedarim with	להיות נודר בו
And so he (i.e. the posuk) says (Malachim 1 12:33)	וכן הוא אומר (Malachim 1 12:33)
”With the chodesh (month)	בחדש
that he created	אשר בך
with his heart (i.e. with his mind)”	”מלבו”

The point of bringing this posuk is in order to understand what R' Shimon ben Lakish said when he said that the kinuyim are expressions that the Chachamim ‘created’ in order to make nedarim. The wording that R' Shimon ben Lakish said was that these were expression שפדו Chachamim. What does the word שפדו refer to? The Gemara tells us that from the posuk we see that the word refers to those things that are created with one’s mind.

The Gemara will now explain why the Chachamim did this? Why would they want to create new words and not just let the person making the neder use the regular words of his language? And what is the reason that the Rabbanan instituted kinuyim

The Gemara answers that kinuyim were instituted:	
In order that he should not say	דלא לימא
(the word) korban	קרבן

And on this the Gemara asks: And let him say korban What could be wrong with saying the word korban?

The Gemara answers:	
(We are afraid that) maybe	דילמא
he will say	אמר
“Korban L’Hashem”	קרבן לה’
but let him say	לימא
“korban L’Hashem	קרבן לה’

The Gemara answers:	
Maybe	דילמא
he will say “Hashem”	אמר לה’
and he will not say “Korban”	ולא אמר קרבן
(and if so) he will let out (i.e. say)	וקא מפיק

the name of Hashem
in vain

שם שמים
לבטלה

The Ran explains that the Chachamim were afraid that if we let the person use the ‘regular words’ to make his korban, he might end up saying the word Hashem. This is true because the words of the posuk are ‘Korban L’Hashem’, and if a person gets used to saying these words, he might mistakenly just say the word ‘Hashem’ without the word ‘Korban’. And if a person will end up doing this, it will come out that he has said the name of Hashem in vain.

Therefore, in order to prevent this possibility from happening, we tell the person to use these ‘new words’ i.e., and not the words of the posuk. And once the person will not be using the words of the posuk, there will be no concern that he will say the name of Hashem in vain.

**The Reason for Saying Korban L’Hashem and Not
L’Hashem Korban – The Great Avayra of Saying
Hashem’s Name in Vain**

And we learned in a Baraisa
R' Shimon says

ותנא
רבי שמעון אומר

Nedarim 10b

How do we know	מנין
that a person should not say	שלא יאמר אדם
“to Hashem an olah”	לה' עולה
(or) “to Hashem a Mincha”	לה' מנחה
(or) to Hashem a todah”	לה' תודה
(or) “to Hashem a shelamim”	לה' שלמים
‘the posuk (Vayikra 1:2)) comes to teach us’	תלמוד לומר
”A korban to Hashem”	קרבן לה

The posuk does not say “L’Hashem Korban” but rather it says “Korban L’Hashem”. This teaches us that whenever one makes a neder to bring a korban, the word korban has to come before the word L’Hashem. As we said earlier if the person first says the word L’Hashem, we are afraid that he might die at that point, and if he does, it will come out that he has said Hashem’s name in vain. Therefore, he says the word korban first, and by doing so, he will guarantee that the name of Hashem will not be said in vain.

Having seen how bad it is to say Hashem’s name even when the person has good intentions, the Gemara points out:

And it is a kal v’chomer	וקל וחומר
‘if even in this’ (case)	ומה זה
that he did not have intent	שלא נתכוון
only to mention	אלא להזכיר
the name of Hashem (Heaven)	שם שמים
on the korban	על הקרבן
(and yet) the Torah (still) said	אמרה תורה
(you have to say) “Korban L’Hashem”	קרבן לה’
to (say it in) vain	לבטלה
’certainly it should be so’	על אחת כמה וכמה

The Torah tells us that even in a case that the person has good intentions he must still take safeguards to guarantee that he will not say Hashem’s name in vain. If so, certainly a person must be careful to never say Hashem’s name in vain when he does not have good intentions.

Kinuyim of Kinuyim – The Machlokes Between Bais Shammai and Bais Hillel

The Gemara previously brought the machlokes R’ Yochanan and R’ Shimon ben Lakish with regard to kinuyim. R’ Yochanan holds that kinuyim are in reality just words from foreign languages, and R’ Shimon ben Lakish holds that they

are words that the Chachamim created to make nedarim with. The Gemara now tries to show that this machlokes is in reality the machlokes Bais Shammai and Bais Hillel with regard to the kinuyim of kinuyim.

Let’s say	לימא
it is a machlokes Tannaim	כתנאי
Bais Shammai says	בית שמאי אומרים
kinuyim of kinuyim	כינויי כינויין
are assur (i.e., they create a neder)	אסורין
and Bais Hillel says	ובית הלל אומרים
kinuyim of kinuyim	כינויי כינויין
are muter (they do not create a neder)	מותריין

The Baraisa tells us that Bais Shammai and Bais Hillel argue if kinuyim of kinuyim are effective. That is, we know that if you do not use the actual words of a neder but rather instead you use kinuyim, the neder is effective. But what happens if you don’t use kinuyim but rather you use kinui kinuyim. That is, you use substitute words for the kinuyim. Will these kinuyim of kinuyim work or not? This is the machlokes between Bais Shammai and Bais Hillel and the Gemara will now try to understand what lies behind that machlokes.

Is it not	מאי לאו
(that) the one who says	מאן דאמר
that the kinuyim of kinuyim	כינויי כינויין
are assur	אסורין
holds	קסבר
that kinuyim	(כינויי) כינויין
are (from) the languages	לשון
of the nations (of the world)	אומות הן
and the one who says	ולמאן דאמר
that that they are mutur	מותריים
holds	קסבר
they are expressions	לשון
that the Chachamim created	שבדו להן חכמים

The Gemara assumes that the reason Bais Shammai holds that the kinuyim of kinuyim work is because kinuyim are in reality just words taken from other languages. And therefore, their kinuyim are the same, that is they are also just words from a different language, and therefore the same way that kinuyim work, the kinuyim of kinuyim work as well.

And the one who holds that kinuyim are words that the Chachamim created, holds that kinuyim of kinuyim do not work. This would be for the simple reason that the only way

of kinuyim of kinuyim	כִּינוּיֵי כִּינוּיִן
for nedarim	דְּנָדָרִים
R' Yosef learned	תָּנִי רַב יוֹסֵף
maknamana	מִקְנָמָנָא
maknachana	מִקְנַחְנָא
maknasna	מִקְנַסְנָא

The Mefaraish explains that konam, konach, and konas are the examples of kinuyim that the Mishna listed in the Mishna and the Gemara is now listing their kinuyim, i.e., these examples are the kinuyim of the kinuyim that are listed in the Mishna.

How is it (i.e. what are the cases)	הֵיכִי דָּמִי
of the kinuyim of kinuyim	כִּינוּיֵי כִּינוּיִן
of chairim	דְּחַרְמִים
Mafshah (the name of a Chacham) taught	תָּנִי מִפְּשָׁאָה
(they are) charakim	חֲרָקִים
charachim	חֲרָכִים
charafim	חֲרָפִים

The kinuyim of chairim that are listed in the Mishna are: cherek, cherech, cheref, and these words are their kinuyim (i.e., these words listed in the Gemara are the kinuyim of the kinuyim that are listed in the Mishna).

The kinuyim of kinuyim	כִּינוּיֵי כִּינוּיִן
of nezirus	דְּנִזְרוּת
R' Yosef taught	תָּנִי רַב יוֹסֵף
machzaykina	מַחְזַקִּינָא
manzachina	מַנְזַחִּינָא
mapichna	מַפִּיחִנָּא

The kinuyim listed in the Mishna are: Nazik, naziach, paziach, and these words are their kinuyim.

The Gemara will now list several words and the Gemara will ask if these words qualify as kinuyim of kinuyim or not.

They asked a question	אִיבְעִינָא לָהּוּ
what is the status of mifchazna	מִיפְחַזְנָא מַאי
what is the status of mitchazna	מִיתְחַזְנָא מַאי
what is the status of mitahzna	מִיתְעַזְנָא מַאי

Ravina said	אָמַר לִיה רַבִּינָא
to Rav Ashi	לְרַב אֲשִׁי
what is the status of kinma	קִינְמָא (קִינְמָא) מַאי
did he (have in mind to) say konam	קִינָם קָאָמַר
or maybe	אוּ דִלְמָא
sweet-smelling cinnamon	קָנְמוֹן בָּשָׂם

he meant to say	קָאָמַר
He said to him	אָמַר לִיה
Rav Acha the son of Rav Chiya	רַב אַחָא בְּרִיה דְּרַב חִיָּיא
to Rav Ashi	לְרַב אֲשִׁי
what is the status of kinah	קִינָה מַאי
a chicken coop	קִינָה שֶׁל תְּרִנגוּלִין
he meant to say	קָאָמַר
or maybe	אוּ דִלְמָא
(he meant to say) an expression of	לְשׁוֹן
konam	דְּקוֹנָם

Let the question be asked תִּיבְעִי

With regard to all of these words, the Gemara is not sure as to the person's intent, and as such, the Gemara leaves these as open questions.

As previously mentioned, the Gemara's saying the word תִּיבְעִי is the equivalent of the Gemara saying תִּיקוּ - let it stand, i.e., it remains an unresolved question.

The kinuyim of kinuyim	כִּינוּיֵי כִּינוּיִן
of shevuos	דְּשְׁבוּעָה
how is it (i.e.,) what is the case	הֵיכִי דָּמִי
The Gemara explains that the kinuyim of the kinuyim of shevuos are:	
Shevuel	שְׁבוּאֵל
shvusie'l	שְׁבוּתִיאֵל
shkukae'l	שְׁקוּקֵאֵל

The kinuyim for shevuos that were listed in the Mishna were shevusah, shevukah. These words are the kinuyim of the word shevuah and those two words.

On the first of these words the Gemara asks:

Shevuel!	שְׁבוּאֵל
But this implies Shevuel ben Gershom	שְׁבוּאֵל בֶּן גֵּרְשׁוֹם מִשְׁמַע

The Mefaraish brings a posuk in Divrei Hayomim (1 26:24) that tells us that Shevuel ben Gershom was the one in charge of the treasury, and if so, that this word is really a name, it cannot act as kinui for a shevuah.

Because of this question, the Gemara takes out the word Shevuel and tells us that the kinuyim of kinuyim for shevuos are:

Rather (they are)	אֵלָא
shevuvail, shevusiel	שְׁבוּבָאֵל שְׁבוּתִיאֵל

(and) shekukael שְׁקוּקָאֵל
 (the Bach takes out this word) מהו

Shmuel said אָמַר שְׁמוּאֵל
 If one said ashivsa אָמַר אֲשִׁיבָתָא
 he has not said anything לֹא אָמַר בְּלוּם
 (if one said) ashkika אֲשָׁקִיקָא
 he has not said anything לֹא אָמַר בְּלוּם
 (and if one said) karisna קָרִינְשָׁא
 he has not said anything לֹא אָמַר בְּלוּם

The Mishna listed three kinuyim for a shevuah, the Gemara will now discuss the third one.

The Mishna said:

(If someone says) “The neder (i.e., a shevuah) נֶדֶר
 with Mohi” בְּמוֹהִי
 these are kinuyim (for shevuos) הֲרִי אֵלוּ כִּינּוּיִן

Mohi refers to Moshe Rabbinu, and on this the Baraisa explains:

We learned in a Baraisa תְּנִינָא
 Rabban Shimon ben Gamliel says רַבִּן שִׁמְעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר
 one who says “With Mohi” הָאוֹמֵר בְּמוֹהִי
 he has not said anything לֹא אָמַר בְּלוּם
 but if he says “With the shevuah that Mohi בְּמוֹמְתָא דְאָמַר מוֹהִי
 (Moshe) made)

these are kinuyim הֲרִי אֵלוּ כִּינּוּיִן
 for a shevuah לְשִׁבּוּעָא

The Ran explains that Moshe made a shevuah (Shemos 2:21), and therefore if a person says that he is making a shevuah with the shevuah that Mohi (Moshe) made, this would be a good yad for a shevuah. But if all he said were the words “with Mohi”, this would not be considered a yad at all.

63 What Would Not Work for the התפסה? Do You Need the התפסה in Order to Have a Neder?

The Ran earlier on (2a) explains that the only time התפסה works is if the other object that the person is using to make his neder is an object that became assur but was not always assur. For example, a korban. A korban is an animal that started off as being mutur and only became assur later on. When a person uses a korban for a neder, what he is saying that the same way a korban was not always assur but it became assur, so too this object, although it is not assur now, this neder should make it assur.

If, however, a person uses an object that has always been assur, for example, if a person says that this loaf of bread should be assur like a chazir (pig), this will not work as the comparison is not valid.

One cannot say that this loaf of bread should be like a chazir, as the chazir was always assur and there is no way that a person can make a loaf of bread

משנה

The Halachos of התפסה

We previously learned that one can make a neder by either using the regular form of a neder, its kinuyim, or its yados. The Mishna now tells us that there is another way to make a neder, and this is referred to as התפסה. This is when a person does not just say that this object should be assur, but rather he says that it should be assur like another object that is assur. The classic example is when a person says that this loaf of bread should be assur like a korban. A korban is an object that is assur to benefit from, and as such, by comparing the loaf of bread to it, you are saying that this loaf of bread should be assur as well.⁶³

The Mishna begins:

One who says (to his friend)	הָאוֹמֵר
“Not chullin	לְחֻלִּין
that what I eat of yours”	שֶׁאוֹכֵל לְךָ
(or he says) “not kosher”	לֹא כָשֵׁר
(or if he says) “not clean (i.e., tahor)”	וְלֹא דָבִי
(or he if says) “tahor”	טָהוֹר
(or if he says) “tamei”	וְטָמֵא
(or if he says) “nossar”	נוֹטֵר)
(or if he says) “pigul”	וּפִיגוּל)
(in all these cases) it is assur	וְאִסוּר ⁶⁴

These cases are all examples in which the person says an expression that means that he is saying that this object should be assur similar to a different object that is assur.

In the first case, he says la 'chullin. Chullin are animals that are not hekdedsh, and a 'lamed' with a patach, i.e., a 'la', before a word means not. Therefore, by saying that it should be la 'chullin, he is saying it should not be chullin, i.e., he is saying that it should be hekdedsh.

be this way. A neder can only make an object assur from here and on but it cannot make an object assur retroactively.

The Ran there continues and proves that in order to make a neder, התפסה is not necessary but rather a person could just say that this object should be assur. If, however, the person does use התפסה, then it must be done as we explained (i.e., he must use an object that was not assur from the time of its creation). Although this is the shita of the Ran, there are others who argue and hold that a neder always needs התפסה ואכמ"ל.

64 The Definitions of Pigul and Nossar

Pigul are korbanos that were brought with the intention to eat them in the wrong time. Nossar is a korban that was leftover and not eaten in its proper timeframe. Both of these korbanos are assur to eat.

(The Ran has the girsa of la 'kosher and la' dicei, and according to this, the intent is the same, to say that this should not be kosher, and this should not be clean (tahor).

When the Mishna says that the person said it should be tahor, the Ran explains that this means as it said before, that he says la' tahor, and the reason why the Mishna doesn't say the words la' tahor explicitly it because it is self-understood that this is the same as before (according to the Rambam's girsa there is a 'la' before the word dachei).

The Mishna continues with the next set of cases in which the person compares what he is making a neder on to another object that is assur.

(If he said) like a lamb (i.e., a korban) ⁶⁵	כְּאֵימָרָא
(or like the korbanos that are in the) animal pens	כְּדִירִים
(or) like the wood (of the mizbayach)	כְּעֵצִים
(or) like the fires (of the mizbayach)	כְּאֵשִׁים
(or) like the mizbayach	כְּמִזְבֵּחַ
(or) like the Haichel	כְּהִיכָל
(or) like Yerushalayim	כְּיְרוּשָׁלַיִם
(Or if one said it should be a) neder	נִדְרָא
with any one of the things	בְּאֶחָד מִכָּל
that serve the mizbayach	מִשְׁמְשֵׁי הַמִּזְבֵּחַ
even though	אֲףֵי עַל פִּי
he didn't mention	שְׁלֵא הִזְכִּיר
a (particular) korban	קֶרְבָּן
this is a neder for a korban ⁶⁶	הֲרִי זֶה נִדְרָא בְּקֶרְבָּן

There are different pshatim for each one of these cases, see footnote. All of the items mentioned in the Mishna are understood to be referring to various objects found in the Bais

Hamikdosh, and therefore, since he is comparing this object to an object that is assur, the neder is effective.

Reb Yehuda says	רַבִּי יְהוּדָה אוֹמֵר
one who says	הַאֹמֵר
(just) “Yerusalayim”	יְרוּשָׁלַיִם
he has not said anything	לֹא אָמַר כְּלוּם

The Ran explains that R' Yehuda holds that if the person says the word 'Yerusalayim' without saying 'like Yerusalayim' he has not said anything. The reason for this is that R' Yehuda holds that any time the word that the person is using, does not imply itself to be something that is assur you must use the כִּי הדמיון. That is, you must say that this is 'like' that thing. Therefore, since the word 'Yerusalayim itself' does not imply issur, you must say 'like' Yerushalayim.

The Ran continues and says that R' Yehuda is actually the Tanna of our Mishna, and that is why in all the cases in which the word does not intrinsically imply issur, the person must use the word 'like'. And that is why when the person compares an object to a corral, wood, etc., he must say this should be 'like' a corral, 'like' wood etc.

However, in the case of comparing the object to pigul or nossar, the word 'like' is not needed as these items are intrinsically assur, (pigul and nossar are defined as korbanos that became posul). Therefore, even if he just says this object is pigul but does not say this object is like pigul, the neder will still be chal.

Later on, we will see a Tanna that argues with R' Yehuda and he will hold that in all of these cases, the word 'like' is not needed.

65 Why Do We Assume that He is Referring to a Korban and Not to Any Other Animal?

In the first case, in which he says that it should be like a lamb, we understand him to mean that he is referring to a lamb that is brought as a korban. The Ran explains that even though it could be that he has other intentions and does not mean to refer to a korban, we assume that he means a korban as we have a rule that נדרים להחמיר, that anytime we have a sofek (doubt) as to a person's intent, we are machmir. The Ran continues and says that it could be that the reason that we assumed that he meant a korban is because he said, 'The Lamb', i.e., the lamb that is known, which refers to a korban.

66 The Various Explanation of Each One of the Items Listed in the Mishna

For each one of the items mentioned in the Mishna, there are various explanations. The explanation brought here are taken from the Ran, the Rosh, and Tosefos.

“Like the Pens” – This refers to either the animals that are kept in the pens, or to the pens that the animals were kept in, or the pens that the wood was kept in.

“Like the Wood” – This refers to either the two logs that were placed on the mizbayach or to all the wood that was used on the mizbayach.

“Like the Fires” – This refers to either the fire that was on the mizbayach or to the korbanos that are called fires as the posuk says 'אֵשׁ רִיחַ נִיחֹחַ'.

“Like the Mizbayach” – This refers to either the korbanos that were brought on the mizbayach or to the actual mizbayach.

“Like the Haichel” – This refers to either the korbanos that were brought in the Haichel or to the actual stones of the Haichel itself.

“Like Yerusalayim” – This refers to either the korbanos that were brought in Yerushalayim or to the walls that surrounded Yerushalayim.

“Like One of Those Things that Serve the Mizbayach – This refers to either the bowls or spoons that were used during the bringing of the various korbanos.

Summary of the Three Halachos of Our Mishna

The Ran explains that there are three halachos that are learned from our Mishna:

When comparing an object to something that is mutur, the letter 'lamed; must be used, that is, he must first say 'la' before the thing that is mutur, and by doing so, he will be saying that this should not be like that (i.e., he says this should not be like the object that is mutur and by saying this, the person will be saying that this should be assur).

When comparing an object to an object whose name conveys issur, for example 'tamei' 'nossar' or 'pigul' it is not necessary to add the work 'like' before it.

When comparing an object to something that its name does not convey issur, then it will be necessary to use the work 'like' in order to have an effective neder.