

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 | כשבועות |

and (all kinui) nezirus

ונזירות

are like nezirus¹

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

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 hekadesh 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 hekadesh (see Mishna :מז and the Rishonim there). That is, just like hekadesh 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 hekadesh 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.

One who says to his friend
 “I am in a state of neder regarding you”
 (or) “I am separated from you”
 (or) “I am distanced from you”

הַאֹמֵר לְחַבְרוֹ
 מוֹדְרֵנִי מִמֶּךָ
 מוֹפְרֵ שְׁנֵי מִמֶּךָ
 מְרוֹחֲקֵנִי 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”
 (or) “that I taste from you”

שֶׁאֲנִי אוֹכֵל לָךְ
 שֶׁאֲנִי טוֹעֵם לָךְ

And a result of this neder:

(he is) forbidden (to benefit from his friend)

אָסוּר

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”
 (Regarding this case) Rebbi Akiva
 was ‘chochaik” (see footnote)
 was ‘chochaik” (see footnote)
 to be machmir (stringent)

מְנוּדָה אֲנִי לָךְ
 רַבִּי עֲקִיבָא
 הָיָה חוֹכֵךְ בְּזֵה
 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.² 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 2B

גמרא

Why do we List Charamim, Shevuos, and Nezirus in our Mishna and Not Just Nedarim?

The Mishna said:

All the kinuyim of nedarim
are like nedarim

כל כינויי נדרים
כנדרים

And on this the Gemara asks:

What is the difference
with regard to nazir
that the Tanna did not teach
all of these
and what is the difference
with regard to nedarim
that (the Tanna) taught all of them

מאי שנא
גבי נזיר
דלא קתני
להו לכולהו
ומאי שנא
גבי נדרים
דקתני לכולהו

In Meseches Nazir, the Tanna also teaches that kinuyim can be used for nezirus – but does not mention that they can be used for the other types of prohibitions. If so, why does our Tanna mention all of them despite not doing so in Meseches Nazir?

The Gemara answers:

(This is) because
(the halachos) of neder
and (the halachos) of shevuos
are written together (in the Torah)
(and) we (therefore) learn the two of them
and since we learn these two
we learn all of them

משום
דנדר
ושבועה
כתיבי גבי הדדי
תני תרתין
וכיון דתני תרתין
תני לכולהו

Once the Tanna lists two of the four expressions (as their halachos are written together in the Torah), the Tanna lists all four of them.

Why is the Case of Kinui Shevuos Not Right After the Case of Kinui Nedarim?

The Gemara questions the previous answer.

And let the (Tanna) teach
(the) kinuie shevuos
after nedarim

וליתני
כינויי שבועות
בתר נדרים

If the Mishna mentions shevuos because shevuos and nedarim are found together in the Torah, why are they not together in the Mishna?

The Gemara answers:

| | |
|--------------------------------|-----------------|
| Since the Tanna taught nedarim | אידי דתנא נדרים |
| in which one assurs (forbids) | דמיתסר |
| the object on himself | חפצא עליה |
| he also teaches charamim | תנא נמי חרמים |
| in which one (also) assurs | דמיתסר |
| the object on himself | חפצא עליה |
| to exclude shevuah | לאפוקי שבועה |
| in which he assurs himself | דקאסר נפשיה |
| from the object | מן חפצא |

The Gemara answers that there is a fundamental difference between a neder and a shevuah. By making a neder, the object is assur to him, i.e., the issur (prohibition) is on the object. A shevuah, however, assurs the person, i.e., the person is assur to use the object (נדר הוא איסור חפצא ושבועה היא איסור גברא). A charamim is therefore similar to a neder. Just like with regard to nedarim the issur is on the object and not the person, so too in regard to charamim the issur is on the object and not the person. Therefore, since nedarim and charamim are similar in this aspect, they are listed together in the Mishna.

Why Does the Mishna First Mention Kinuyim and then Explain Yados?

| | |
|--|----------------|
| (The Tanna) started (lit. opened) with kinuyim | פתח בכינויין |
| (as it says) all kinuie nedarim | כל כנויי נדרים |
| and (the Tanna) then explains yados | ומפרש ידות |
| (as it says) one who says to his friend | האומר לחבירו |
| “I am in a state of neder regarding you” | מונדר אני ממך |
| and furthermore | ותו |
| (The Tanna) forgot yados | ידות אינשי |

The Gemara is asking two questions. Firstly, if the Tanna mentions the halacha of kinuyim first, why does he first explain yados? Secondly, how could the Tanna start to explain the halachos of yados if he never mentioned the concept of yados in the first place?! That is, the Tanna began by saying that kinuie nedarim are like nedarim and immediately explains the case of

yados without even telling us that there is a concept of yados at all!³

The Gemara answers:

| | |
|--------------------------------------|--------------------------|
| (The Tanna) is talking about them | אֵיךְ בָּהוֹן |
| and there (are words) missing | וְחִסּוּרֵי מִיחְסָרָא |
| and this is how it should be learned | וְהֵכִי קֵתְנִי |
| All kinuie nedarim | כָּל כִּינוּיֵי נְדָרִים |
| are like nedarim | כְּנְדָרִים |
| and yados nedarim | וְיָדוֹת נְדָרִים |
| are like nedarim | כְּנְדָרִים |

The Gemara answers that, in reality, the Tanna did mention yados and therefore that is why the Tanna explains them.

Does the Tanna First Explain the First Case of the Mishna or the Last Case of the Mishna?

| | |
|--|----------------------------------|
| And let (the Tanna) explain kinuyim in the beginning | וְלִפְרוֹשׁ כִּינוּיֵי בְרִישָׁא |
|--|----------------------------------|

If the Tanna first mentions kinui nedarim before the yados of nedarim, why does the Tanna not first explain the case of kinuyim? Why does the Tanna first explain the case of yados?

The Gemara answers:

| | |
|--|--|
| That one that he just left (i.e. just mentioned) that one he explains in the beginning | הָהוּא דְדָלִיק מִיָּנִיָּה הָהוּא מְפָרֵשׁ בְּרִישָׁא |
|--|--|

The Gemara answers that there is a rule that if the Tanna mentions multiple cases, the Tanna will first explain the last case mentioned (i.e., the case that he just left) and not the first.

The Gemara will now bring several Mishnayos to prove this point, that the Tanna first explains the last case mentioned in the Mishna and not the first.

| | |
|--|---|
| As we learned in a Mishna with which (materials) do we light (Shabbos candles) and with which (materials) do we not light (the Mishna continues) we do not light etc. ⁴ | כְּדִתְנִן בְּמָה מְדַלִּיקִין וּבְמָה אֵין מְדַלִּיקִין אֵין מְדַלִּיקִין כּו' |
|--|---|

In this Mishna, the Tanna first explains the second case and not the first. The Gemara brings another example.

| | |
|---|---|
| With what can we insulate (pots on Shabbos) and with what can we not insulate (the Mishna contuse and explains) we do not | בְּמָה טוֹמְנִין וּבְמָה אֵין טוֹמְנִין אֵין טוֹמְנִין כּו' |
| insulate | |

And another example:

| | |
|--|---|
| With which (jewelry etc.) can a woman go out (on Shabbos) and with what can she not go out (the Mishna continues and explains) a woman | בְּמָה אִשָּׁה יוֹצֵאָה וּבְמָה אִינָה יוֹצֵאָה לֹא תֵצֵא אִשָּׁה |
| cannot go out... ⁶ | |

From all these cases, we proved as we said previously, that when a Tanna lists multiple cases, the Tanna will first explain the last case and not the first.

The Gemara will now ask that from many other Mishnayos we see not this way. From these Misnayos, we will see cases in which the Tanna will first explain the first case mentioned in the Mishna and not the last.

3 לשון נדרים משונה – The Language of Meshecta Nedarim is Different

There is a famous expression that is found many times in the Rishonim, לשון נדרים משונה – that the language of Meshecta Nedarim is different. That is, the expressions and wordings of this meshecta are different than the other mesectos in Shas. The Rosh points out that our Gemara is one such example. The Gemara is asking that the Tanna is explaining something that was not yet mentioned in the Mishna. The typical way to ask this question is to say "יָדוֹת מֵאֵן דְּכֵר שְׁמִייהוּ" – "Yados, who mentioned them". However, the expression our Gemara uses is that the Tanna forgot to mention yados. And this is an illustration of how meshecta is written in a different syntax that the rest of Shas.

4 Which Materials Can You Use to Make Wicks for Shabbos Neiros (Shabbos Lamps)?

The Gemara in Meshecta Shabbos discusses which materials you are allowed to use for making the wicks of Shabbos neiros and which materials you cannot use. The Chachamim were concerned that if you use materials that do not produce a good, steady flame, the person might tip the oil-lamp (in order to

strengthen the flame) and by doing so he will transgress the issur of מעביר – the issur to light a fire on Shabbos.

5 The Issur of Hatmana (Insulating)

The Chachamim said that in certain cases it is assur to insulate your pots of food with certain materials. The Mishna is describing which materials are a problem.

6 What Can a Woman Wear Outside on Shabbos?

One is not allowed to carry objects in a public place on Shabbos. There is a concern with certain jewelry that if a woman would wear them outside, she might come to take them off and to carry them in a public place. To prevent this, the Chachamim said that she cannot wear them in a public place on Shabbos at all (i.e., it is assur to wear them even if she is not carrying them). This Mishna discusses which pieces of jewelry is problematic in light of this concern.

And wherever
that (the Tanna) opens (starts with a particular case)
(the Tanna) does not explain it
in the beginning!
But we learned in a Mishna
there are those who inherit
and give over to inherit
(and there are) those who inherit
and do not give over to inherit
(the Tanna then explains) and these are those
who inherit
and give over to inherit

וְכָל הַיָּכָא
דְּפָתַח
לֹא מְפָרֵשׁ
בְּרִישָׁא
וְהִתְנַן
יֵשׁ נוֹחֲלִין
וּמְנַחֲלִין
נוֹחֲלִין
וְלֹא מְנַחֲלִין
וְאֵלוּ
נוֹחֲלִין
וְיִמְנַחֲלִין

From this Mishna, we see clearly that the Tanna will first explain the first case and not the last.

The next example:

There are those (women)
who are mutur to their husbands
and assur to their yevamos
(and there are those) that are mutur
to their yevamin
and assur to their husbands
(the Mishna then explains) these are those
who are mutur
to their husbands
and assur to their yevamin

יֵשׁ
מוֹתְרוֹת לְבַעְלֵיהֶן
וְאַסוּרוֹת לְיָבְמֵיהֶן
מוֹתְרוֹת
לְיָבְמֵיהֶן
וְאַסוּרוֹת לְבַעְלֵיהֶן
וְאֵלוּ
מוֹתְרוֹת
לְבַעְלֵיהֶן
וְאַסוּרוֹת לְיָבְמֵיהֶן⁷

Another example:

⁷ People Who Inherit and People Who Give Over to Inherit

This Mishna discusses those who inherit each other, those who just inherit, and those who give over to inherit but do not inherit. For example, a father and son inherit each other. If a son dies, the father inherits him. And if the father dies, the son inherits him. A son inherits his mother, but if the son dies the mother does not inherit him. Therefore, it can be said that the son inherits but does not give over to inherit to his mother. And the mother is the opposite. She gives over to inherit to her son but does not inherit him.

⁸ Those Who Are Mutur to Their Husbands but Not to Their Yevamin and Those Who Are Mutur to Their Yevamin but Not to their Husbands

If a man dies without children, there is a mitzvah for his brother (called the yavam) to marry his wife, this is the mitzvah of yibum (if they do not want to get married, they do chalitzah). The Mishna tells us that there are certain cases in which the woman is assur to the yavam although she was mutur to her husband, and there are even cases in which she is mutur to her yavam, although she was assur to her husband.

The Ran explains these cases as follows. A Kohen Gadol is assur to marry an almanah (widow). Therefore, if a Kohen Gadol's brother dies without children, although this woman was mutur to her husband, she is now assur to her yavam, i.e., to the Kohen Gadol (as she is now an almanah).

And if the Kohen Gadol married an almanah b'issur (i.e., he married her even though he was not allowed to do so), then when he dies without children, although she was assur to her husband, she will be mutur to his brother, the yavam (a regular Kohen is mutur to marry an almanah).

There are those
(korban minchos) that require
oil and levona
(and there are those that require) oil
and not levona
(the Tanna then explains) these are those
(korban minchos that) require
oil and levona

יֵשׁ
טְעוּנוֹת
שֶׁמֶן וְלִבְנָה
שֶׁמֶן
וְלֹא לִבְנָה
וְאֵלוּ
טְעוּנוֹת
שֶׁמֶן וְלִבְנָה

And the next example:

There are those (korban minchos)
that require hagasha
and do not require t'nufa
(and those minchos that require) t'nufa
and not hagasha
and these are those that
require hagasha

יֵשׁ
טְעוּנוֹת הַגָּשָׁה
וְאֵין טְעוּנוֹת תְּנוּפָה
תְּנוּפָה
וְלֹא הַגָּשָׁה
וְאֵלוּ
טְעוּנוֹת הַגָּשָׁה⁹

The last example:

This is a bechor for inheritance
and is not a Bechor 'for a Kohen'
(and there is a) Bechor 'for a Kohen'
but not a bechor for inheritance
(the Tanna then explains) and which one
is a Bechor for inheritance
and not a Bechor for 'the Kohen'

יֵשׁ בְּכוֹר לְנַחֲלָה
וְאֵין בְּכוֹר לְכוֹהֵן
בְּכוֹר לְכוֹהֵן
וְאֵין בְּכוֹר לְנַחֲלָה
וְאֵיזָהוּ
בְּכוֹר לְנַחֲלָה
וְיֵאָיִן בְּכוֹר לְכוֹהֵן¹¹

From all of these cases, we see not as we said before. Before we said that the Tanna would first explain the last case of the

⁹ The Different Types of Korban Minchos

There are many distinct types of Korban Minchos. Some require both oil and levona (commonly translated as frankincense), some require just one of these, and some require none of these. The Mishna goes through all the different possibilities.

¹⁰ Hagasha and T'nufa

Certain korban minchos require hagasha, this is the procedure in which the mincha is brought close to the southwestern corner of the mizbayach. Other minchos require t'nufa – waving, this is a procedure in which the Kohen places his hands under the person's hands and together they pick it up and wave it. This Mishna tells us which minchos require what.

¹¹ The Different Types of Bechorim (firstborns)

A Bechor (firstborn) receives a double inheritance and a Bechor must be redeemed from a Kohen. The Mishna tells us that one could be a Bechor for both these dinin or for just one of them. This is because in order to receive a double-portion in the inheritance, one must be a Bechor from the father, and in order to be chayiv to be redeemed, the child must be the firstborn of the mother. Therefore, a firstborn from both the father and mother would be a firstborn for both inheritance and for the Kohen, a firstborn of only the father (i.e., the father married a woman that had already had children) is only a Bechor for inheritance, and a child who is only a firstborn from the mother (i.e. the father who already had children married a woman who did not yet have children) will be a bechor for only the Kohen and not for inheritance.

Mishna and not the first, and yet from all of these cases, we see not this way.

The Gemara answers:

| | |
|---|---------------------------|
| These (Misnayos) | הָלִין |
| because they are many (halachos) | מִשּׁוּם דְּאִוּשׁוּ לִיה |
| (and therefore) he (the Tanna first) explains | מִפְּרֹשׁ |
| the one | הָהוּא |
| that he started with | דְּפִתַח |
| in the beginning | בְּרִישָׁא |

The Ran explains that the Gemara is answering that although typically the Tanna will first explain the last case, there is an overriding factor in all the previous Mishnayos. In all the earlier Mishnayos the Tanna is listing many different cases, and therefore he could not explain them in reverse order. That is, if the Tanna would start to explain the last case first, this would lead people to become confused as they will have to keep track of all the cases, and therefore to prevent this confusion the Tanna will explain the cases in the order in which they are listed (i.e., the first one first).

But in a Mishna in which the Tanna is not listing many cases, the Tanna would start to explain the last case. For example, our

Mishna. In our Mishna, the Tanna just mentions two halachos, the halachos of kinuyim and the halachos of yados. Therefore, the Tanna could first start to explain the halachos of yados without the concern that anyone will get confused.

The Gemara now asks:

| | |
|--|---------------------------------|
| But | וְהָא |
| (the Mishna says) with what | בְּמָה |
| can an animal go out | בְּהֵמָה יוֹצֵאָה |
| and with what | וּבְמָה |
| (can the animal) not go out | אֵינָהּ יוֹצֵאָה |
| (and in this Mishna) that does not have many cases | דְּלֵא אִוּשָׁא |
| (and yet it still) teaches | וְקִתְנִי |
| a camel can go out | גַּמְלָא יוֹצֵאָה ¹² |

The Gemara had said that unless a Mishna has many cases, the Tanna would always start to explain the last case of the Mishna first, and yet from this Mishna we see not that way. In this Mishna, there are precisely two cases, and yet the Tanna starts to explain the first case first and not the last case .

¹² What Is an Animal Allowed to Go Out with On Shabbos?

A Jew is not allowed to have his animal do melacha (work) on Shabbos. As such, it would be assur to allow an animal to go outside carrying things. Therefore, it must be determined which things on an animal are considered its

'regular clothing' (accessories), and which things would be considered as if the animal is carrying. This is the subject of this Mishna.