

Nedarim 9a

משנה

Comparing the Nedarim of the Reshayim to the Nedarim of the Kesayrim (the difference between nedarim and nedavos)

Our Mishna describes which partial-expressions work as yados, and which ones do not.

If one says:

“Like the nedarim of reshayim”	כְּנִדְרֵי רְשָׁעִים
this is a neder	נֶדֶר
for being a nazir	בְּנִזִיר
(or) for bringing a korban	וּבְקֹרְבָן
(or) for a shevuah	וּבְשֵׁבוּעָה

The Ran (quoting the Gemara) explains the cases as follows:

If a person says “Like the nedarim of reshayim I am” at the same time that a nazir is passing by, this statement will make him a nazir.

If a person says, “Like the nedarim of reshayim it should be on me”, this is a neder that will obligate him to bring a korban. The Rans says that seemingly this is only true in the case that there was an animal standing in front of him (and as such we understand his intentions).

And if a person says, “Like the nedarim of the reshayim from it I will not eat”, this will create a shevuah that will not allow him to eat. Once again, the Gemara says that this is referring to the case that there is a loaf of bread in front of him.

The Ran explains that the term כְּנִדְרֵי רְשָׁעִים is used to describes those people who are not careful with regard to making shevuos and nedarim.

That is, the Gemara will tell us that the tzaddikim would try to make the least amount of nedarim and shevuos as possible, and the reshayim would do the opposite. They would make nedarim and shevuos even when there was no great need to do so. Therefore, when a person references the reshayim in his statement, we assume that he means to say that just like the reshayim make nedarim and shevuos, he wants to make a neder as well.

If a person says:

“Like the nedarim	כְּנִדְרֵי
of ‘kesayrim’ (i.e., the kosher people)	כְּשָׂרִים
he has not said anything	לֹא אָמַר כְּלוּם

Since “Kosher’ people do not make nedarim, this person’s statement can obviously not serve as a yad to a neder.

(But if he says) like their nedavos ⁵⁸	כְּנִדְבוֹתָם
(this could serve as a yad for) for a neder	נֶדֶר
(or as a yad for) a nazir	בְּנִזִיר
(or as a yad for) a korban	וּבְקֹרְבָן

The Ran explains that although kesayrim do not make nedarim, they do make nedavos. Therefore, this expression can serve as a yad for being a nazir or for a korban. That is, if says “I am like the nedavos of the kesayrim” and a nazir is passing by, he will be a nazir. And if he says, “Like the nedarim of the kesayrim should be on me” and there is an animal in front of him, this animal will be a korban.

The Rosh explains that the difference between a neder and a nadava is that a neder says that there is a chiyuv on the person

⁵⁸ **How Does the Difference Between Neder and Nedarim Apply to Nezirus?**

As we explained above, the difference between a neder and a nadava is that when a person makes a neder he is saying that he has a chiyuv to bring an animal as a korban (i.e., the chiyuv is on him and not on any particular animal). With regard to a nadava, the chiyuv is on a particular animal. But if so, this distinction obviously would not apply to nezirus (as the nezirus is always on the person). If so, what does it mean when the Mishna distinguishes between neder and nadava with regard to nezirus?

Because of this problem, the Ran says that with regard to our Mishna, the difference between a neder and nadava is in relation to the desire of the person doing this action. When a person makes a neder, he does not do it with his complete desire, and that is why he doesn’t designate any particular animal to bring as a korban. He is saying that he wants to bring an animal, but he will decide which one at a later time. However, when a person makes a nadava, this is understood as being done with his whole desire, after all, he is saying that he wants to bring this particular animal as a korban.

Therefore, since the difference between a neder and a nadava is with regard to his level of desire, this difference would apply to becoming a nazir, as well. Therefore, when a person becomes a nazir with full desire, it is like a

nadava, i.e., it is considered something that the kesayrim would do. And if he is not becoming a nazir with full desire, it is like a neder, i.e., something that only the reshayim would do.

The Reason Why Nedavos Do Not Apply to Shevuos

The Mishna said that if a person says he wants to do as the nedavos of the kesayrim, his expression works as a yad, because kesayrim make nedavos. However, this is only true with regard to becoming a nazir and to becoming chayiv in a korban and not with regard to making a shevuah. This is because a kosher person would never take the risk of making a shevuah. He will never do this because he is afraid that perhaps he will not fulfill his shevuah.

The Ran says that although on daf ches the Gemara said that to be מורר oneself, it is a good thing to make a shevuah, this is only true with regard to a shevuah on a mitzvah. A shevuah on a mitzvah is a shevuah on something that he anyway has to do, and as such, it is not considered a nadava. As such, the fact remains that we do not have a case in which it is a good thing to make a nadava with regard to a shevuah.

to bring a korban. Therefore, since it is possible that he might not be able to bring the korban (and by not bringing the korban he will be in violation of the lav of ‘bal t’ yacal’ (do not desecrate your neder), the kesayrim will never want to make a neder, as by making a neder he runs the risk of transgressing this lav.

However, when a person says that he wants to bring an animal as a nadava, he designates a particular animal as a korban. And if this animal dies, this person is not responsible to bring another one. Therefore, there is no risk that he will come to transgress the lav of bal yachel, and this is why even kesayrim would make nedavos.

גמרא

Understanding the Case of the Mishna – Why Do These Expressions Act as Yados?

The Mishna told us that when a person says, “Like the nedarim of reshayim”, this declaration can serve as a yad for his neder. Initially, the Gemara thought that this was all he said, and on this the Gemara asks:

And maybe	וְדַלְמָא
this is what he meant to say	הַכִּי קָאָמַר
“Like the nedarim of reshayim	כְּנִדְרֵי רֵשְׁעִים
it should not be a neder”	לֹא נִדְרָנָא
Shmuel said (answered)	אָמַר שְׁמוּאֵל
(that the person) says	בְּאוֹמַר
“Like the nedarim of reshayim”	כְּנִדְרֵי רֵשְׁעִים
(and to this he adds the word) “I should be”	הֲרִינִי
(or he adds the word) “on me”	עָלַי
“(or he adds the word) from me	וְהֵימֵנוּ

The person says, “Like the nedarim of reshayim” and then he adds one of these three expressions. Shmuel now explains what each one of these added words implies.

(If he added the word) “I should be”	הֲרִינִי
(he has made a neder) for nezirus	בְּנִזְרוּת
(if he added the word) “on me”	עָלַי
(he has made a neder) for a korban	בְּקֹרְבָן
(And if he adds the words) “from me”	מֵהֵימֵנוּ
(he has made) for a shevuah	בְּשִׁבוּעָה

Shmuel has just said that each one of these expressions function as a yad; that is, since we know his intentions from his

words, these words are good enough to serve as a yad. And on this the Gemara will ask that seemingly there are other possible ways to explain his intentions, and if so, we will have to explain how they can qualify as yados.

(If he says “I should be”	הֲרִינִי
(this means he wants to be a nazir	נִזְרוּת
(but) maybe	דְּלְמָא
“I am	הֲרִינִי
in taanis (a state of fasting)”	בְּתַעֲנִית
he means to say	קָאָמַר

When the person says “I should be” this means that he wants to be a nazir. But why? Maybe he means to say that he wants to be in a state of fasting?

Shmuel said	אָמַר שְׁמוּאֵל
(this is talking about) when there was	כְּשֶׁהָיָה
a nazir was passing by	נִזְיר עוֹבֵר לְפָנָיו

Therefore, since there is a nazir passing by, we know that his intentions were to become a nazir and not to accept a fast upon himself.

The next case of the Mishna:

(If he says) “From it”	(עָלַי בְּקֹרְבָן) הֵימֵנוּ
(he has made) a shevuah (not to eat it)	בְּשִׁבוּעָה
(but) maybe (he meant to say)	דְּלְמָא
“from it I will eat	הֵימֵנוּ דְאֶכְיֻלְנָא
he was saying	קָאָמַר

Shmuel explained that when the person says “From it” this is a yad for a shevuah as we understand him to mean that he is saying that he is making a shevuah that he is forbidden from it.

But why? Maybe he means the opposite, that he is making a shevuah that he will eat from it! The Ran explains that this statement should be considered as מוֹכִיחוֹת שְׂאִינְן מוֹכִיחוֹת, that is, although we assume that he means to assure the food, it is not certain that this is what he means, and as such, it should not be considered as מוֹכִיחוֹת. And the problem is that Shmuel holds מוֹכִיחוֹת שְׂאִינְן מוֹכִיחוֹת are not yadayim.

Rav said (answered)	אָמַר רַבָּא
that he said	דְּאָמַר
“from it I shall not eat”	הֵימֵנוּ שְׁלֹא אוֹכְלָאִי
(but) if so	אִי הַכִּי
what is there to say	מַאי לְמֵימְרָא

If a person says explicitly “Like the nedarim of the reshayim I will not eat from it”, what is the possible reason that this should not be a valid shevuah? There seems to be no reason why

between nedarim and nedavos, and as such, we are left with the question of who is the author of our Mishna that makes such a distinction.

The Gemara answers:

You can even say

אָפּילוּ תִימָא

(it is) R' Meir

רַבִּי מֵאִיר

Another way to understand the Rashash is that it is only with regard to the case of mitzvohs in which the person did nothing wrong with his desire to do the mitzvah, this is where his desire is considered a good thing.

However, with regard to nedarim, where the making of the neder (i.e., his desire to the neder) carries the risk of transgressing it, in this case we say that if you don't fulfill the neder, what you did by making the neder is not considered a good thing as it led you to transgress the lav of bal y'ochel.

A second answer given by the Rashash is that the rule that the thought to do a mitzvah is equivalent to actually doing the mitzvah is only true if you think to do the mitzvah, that is when we say you that it is considered as if you did it, even if in the end you were not able to do so.

But in the case of nedarim, one has to actually say the words. Therefore, in this case, the mere desire to do the mitzvah is not considered enough to say that it is considered as if the person actually did the neder when he didn't.

This answer as well needs explanation. Why would speaking out the words of the neder make it worse? At the end of the day this person had the desire to fulfill his neder, and if so, why is he not rewarded for it as we find with regard to other mitzvohs, עַיִן שֶׁמּוֹשֵׁה לְפָלֶל וְאִכְמ"ל.

Nedarim 9b

When did R' Meir say (say this) **כִּי קִאָמַר רַבִּי מֵאִיר**
 with regard to a neder (he said it) **בְּנִדָּר**
 (but with regard) to a nadava **בְּנִדְבָה**
 he did not say (it) **לֹא קִאָמַר**

Although R' Meir said that the best thing to do is not to make a neder at all, we can say that he was only referring to making a neder, but he would agree that making a nadava is a good thing.

But we learned **וְהָא קִתְּנִי**
 (If a person says) “Like their nedavos” **בְּנִדְבוֹתָם**
 (this can be a) neder for nezirus **נִדָּר בְּנִזְוִיר**
 or a korban **וּבְקָרְבָן**

The Mishna said that if the person says “like their (i.e., like the kesayrim’s) nedavos” this serves as a yad for either being a nazir or as a yad for a ‘neder’ to make him chayiv to bring a korban. If so, we see that the kesayrim do make nedarim, and that being the case, how can we say that the Mishna is R' Meir, if R' Meir holds that it is not a good thing to make a neder?

The Gemara answers:

Learn (the Mishna to say) **תְּנִי**
 it is a nadava **נִדְבָה**
 for (being a) nazir **בְּנִזְוִיר**
 or (for bringing) a korban **וּבְקָרְבָן**

The Gemara answers that we should learn the Mishna to mean that it is yad for being a nadava (i.e., but not for being a neder) and if so, the Mishna can be the shita of R' Meir, because although R' Meir holds that one should not make nedarim, he still holds that it is a good thing to make nedavos.

Why is there No Concern that One Will Not Bring His Nadava?

The Gemara now questions the distinction between a neder that is not considered a good thing and a nadava that is.

What is the difference **מֵאֵי שְׁנָא**
 with regard to someone that makes a neder **נִזְוִיר**
 that no (i.e., he should not do it) **דְּלֹא**
 (because) maybe **דְּלִמָּא**
 it will come to a ‘mishap’ **אַתִּי בְּה לִידֵי תַקְלָה**
 (with regard) to a nadava also **נִדְבָה נְמִי**
 no (i.e., he should not make it) **לֹא**
 (because) maybe **דְּלִמָּא**

it will come to a mishap **אַתִּי בְּה לִידֵי תַקְלָה**

The problem with making a neder is that a person might make a neder and not end up fulfilling it. But this concern should apply to a person making a nadava as well. The Ran explains that if a person makes a nadava, that is, he says that a particular animal should be a korban, if he does not bring it to the Bais Hamikdosh within three Yomim Tovim, he will transgress the lav of bal t’acher (do not delay). If so, making a nadava also carries the risk of transgressing a lav, and therefore we have to understand why making a nadava is considered a better action than making a neder.

Hillel Hazakains’s Method of Bringing Korbanos in the Bais Hamikdosh

The Gemara answers:

(It is) like Hillel Hazakain **כְּהִלֵּל הַזָּקֵן**
 as we learned in a Baraisa **דְּתַנִּינָא**
 they said on Hillel Hazakain **אָמְרוּ עַל הִילֵּל הַזָּקֵן**
 that a person was not ma’al **שֶׁלֹּא מַעַל אָדָם**
 with his (korban) olah **בְּעוֹלָתוֹ**
 all of his days **כָּל יָמָיו**

The Baraisa tells us that in the entire lifetime of Hillel Hazakain, no one was ever ma’al (meilah is the avayra of getting benefit from hekdesch) when they brought their korban olah. It is assur to benefit from something that is hekdesch, and the Gemara will tell us what Hillel would do in order to prevent this from happening.

He (Hillel) would bring it (the korban olah) **מְבִיאָה**
 when it was still **כְּשֶׁהִיא**
 chullin (not yet hekdesch) **חוּלִין**
 to the Azara (the courtyard of the Bais Hamikdosh) **לְעִזְרָה**
 and make it hekdesch (right there) **וּמְקַדִּישָׁהּ**
 and (then) do the semicha **וְסוֹמְךָ עָלֶיהָ**
 and shecht it (slaughter it) **וְשׁוֹחֲטָהּ**

When a person brings a korban, he first has to make it hekdesch, lean on it (this is called semicha), and then shecht it. Hillel would make sure not to make the animal hekdesch until the animal was brought into the Azara of the Bais Hamikdosh. This way there would be little time between the time that the animal was made into hekdesch and when the animal would be taken to be brought as a korban, and as such, there would be

only a very small chance that the owner would be able to be ma'al with this animal.

The Ran explains that when we say that Hillel made the animal hekdesch in the Azara, this does not mean that he actually brought the animal into the Azara as chullin but rather he made it hekdesch in the doorway of the Azara. This must be true because it is assur to bring chullin into the Bais Hamikdosh.

From here we see that the best way to make an animal a nadava is to make it hekdesch right before it will be brought into the Azara. Doing so has two benefits. Firstly, doing it this way will minimize the chance that someone might benefit from the korban. And secondly, there is virtually no chance that he will not bring the nadava in the proper timeframe. If the person first makes this animal into a nadava while he is standing in front of the Azara, he will obviously bring it then and not delay doing so for three Regalim.

From all of this we see that indeed there is a way to bring a nadava that is free from any concern that something 'bad' might result from his deciding to bring a nadava. And if so, we now have the case of our Mishna. A person is standing in front of the Azara with an animal and says, "Like the nedavos of the kesayrim". When a person says such, we understand that he wants to make this animal into a nadava just like the kesayrim do.

But on this the Gemara asks:

This is good (understandable)	הניחא
(the case of) nadava of korbanos	נדבה דקרבנות
(but) nadava of nezirus	נדבה דנזירות
what is there to say	מאי איכא למימר

What is the case of nezirus that is considered a nezirus of kesayrim? The Ran explains that the Gemara is asking that how could kesayrim become a nezirim if there is a concern that the nezirus might lead to a mishap (i.e., they might come to violate their nezirus).

The 'Good Nazir' – The One Time that Shimon Hatzaddik Ate from the Korban Asham of a Nazir

He holds like	קבר לה
Shimon Hatzaddik	כשמעון הצדיק

The Ran takes out the words לה קבר - he holds like. That is, according to him the Gemara is not saying that the kesayrim

hold like the shita of Shimon Hatzaddik but rather the Gemara is saying that they did like him, i.e., they would become a nazir like the nazir in the story that involved Shimon Hatzaddik.

As we learned in a Baraisa	דתניא
Shimon Hatzaddik said	אמר רבי שמעון הצדיק
"From my days (i.e., in all my days)	ממי
I did not eat	לא אכלתי
(from) a asham tamei of a nazir	אשם נזיר קמא
except for one	אלא אחד

One time	פעם אחת
A nazir came (before me)	בא אדם אחד נזיר
from the south	מן הדרום
and I saw	וראיתיו
that he had beautiful eyes	שהוא פה עינים
and was good-looking	וטוב רואי
and his locks (of hair)	וקוצותיו
were set in curls	סדורות לו תלתלים
I said to him	אמרתי לו
"My son	בני
what did you see	מה ראית
to destroy	להשחית
your beautiful hair"	את שערך זה הנאה

He said to me	אמר לי
"I was shepherd	רועה הייתי
for my father in my city	לאבא בעירי
(and once) I went	הלכתי
to fill you the water	למלאות מים
from the spring	מן המעיין
and I stared at my reflection	ונסתכלתי בבבואה שלי
and my yetzer 'grabbed' ahold of me	ופחו עלי יצרי
and wanted to drive me	ובקש לטורדני
from the world	מן העולם

When this person saw how beautiful he was, his yetzer hara tried to convince him that he should go do immoral acts that have the potential to eventually drive him from this world (these acts have the ability to lead to his destruction).

(So) I said to him	אמרתי לו
"Rasha!	רשע
why are you haughty	למה אתה מתנאה
in a world that is not your	בעולם שאינו שלך

with one בְּמִי
 who (is designated) in the future שֶׁהוּא עֵתִיד
 to be worms and decay לְהִיּוֹת רֶמָה וְתוֹלַעַה

‘(By) the Avodah’ הַעֲבוּדָה
 that I will shave you שֶׁאֲגַלְחֶךָ
 for (the sake) of Shamayim לְשָׁמַיִם

The Rosh explains that this person was saying an expression of a shevuah that he will shave his hair and this shaving will be L’shaim Shamayim.

Immediately מִיָּד
 I (i.e., R' Shimon Hatzaddik) got up עָמַדְתִּי
 and kissed him on his head וַיִּשָׁקֵתִיו עַל רֹאשׁוֹ
 (and) I said to him אָמַרְתִּי לוֹ

“My son בְּנִי
 like you כְּמוֹךָ

nezirim should multiply יִרְבוּ נֹזְרֵי נְזִירוֹת
 in (Klal) Yisroel בְּיִשְׂרָאֵל
 on you עָלֶיךָ
 the posuk says (Bamidbar 6:2) הַכְּתוּב אֹמֵר

“A man אִישׁ
 that will distance כִּי יִפְלֵא
 'to make a neder to become a nazir for לה לְהִזִּיר לֵה' לְהִזִּיר לֵה לְהִזִּיר לֵה
 Hashem.”

The Ran explains that from the story of this nazir we have our answer as to how kesayrim could become nezirim. The question was that seemingly it would be a wrong thing to become a nazir, as his being a nazir might lead him to transgress his nezirus. And if this would happen, his nezirus would not be considered a good thing but rather as a stumbling block for him.

And to this the Gemara is answering, that if a person will become a nazir with the same desire as this nazir, then there will be no concern that his nezirus could lead to anything bad (i.e., he will surely keep it).

What is the Difference Between Asham of a Nazir Tamei and All Other Korban Ashams?

R' Muni asked מִתְקִיף לֵה רַבִּי מְנִי
 what is the difference (between) מֵאֵי שָׁנָא
 the asham of a nazir tamei אֲשָׁם נֹזִיר טָמֵא
 that he would not eat דְּלֹא אֵכֵל
 as it came for his avayra דְּאֵתִי עַל חֲטָא

all (korban) ashams כָּל אֲשָׁמוֹת נָמִי
 he should not eat לֹא לֵיכּוֹל
 for on avayros they come דְּעַל חֲטָא אֵתִי

The Gemara assumes that the reason that Shimon Hatzaddik did not want to eat the asham of the nazir is because this asham comes as a result of an avayra.

The Ran explains that it is assur for a nazir to become tamei, and if a nazir does become tamei, that is when he has to bring this korban.

The problem is that every korban asham comes as a result of doing avayros, and if so, Shimon Hatzaddik should not have eaten from those korbanos as well. And yet we find that it was only with regard to the asham of the nazir that he did not want to eat.

The Gemara answers and gives another reason why Shimon Hatzaddik would not eat from the asham of a nazir tamei.

R' Yonah said אָמַר לִיָּה רַבִּי יוֹנָה
 this is the reason (of Shimon Hatzaddik) הֲיִינוּ טְעֵמָא
 for when they were בְּשָׂהוּ

confounded (from their avayros) תוֹהִין
 they would make themselves nezirim נֹזְרִין
 and when they would become tamei וּכְשָׁהוּ מִטְּמֵאִין
 and (as such) it would be added וְרַבִּין
 onto them עָלֵיהוּ

days of nezirus יְמֵי נְזִירוֹת
 they would have regret on them מִתְחַרְטִין בְּהוֹן
 and it will come out (lit. found) וְנִמְצְאוּ
 that they would bring chullin מִבְּיַאִין חוּלִין
 to (i.e., into) the Azara לְעִזְרָה

The Ran explains that the typical case of someone becoming a nazir is the case in which a person is confronted with his avayros and regrets doing them. To try and rectify what he had done wrong he becomes a nazir. But often, after he had already become a nazir, he will become tamei, and the halacha of a nazir that becomes tamei is that he has to restart his nezirus and count another thirty days. These additional days will be something that this person will not want, and as a result, he will have regret for becoming a nazir in the first place. But when he regrets his nezirus, the nezirus is voided retroactively. If so, it comes out that the korbanos that he brings into the Bais Hamikdosh will be considered chullin B'Azara as he is no longer a nazir (and it is assur to bring animals that are not hekdeshe into the Bais Hamikdosh).

The Ran points out that the Gemara does not mean literally that his korbanos will be considered chullin, because until the Chacham is actually matir the nezirus, it is still in effect. Therefore, even if this nazir will regret the fact that he became a nazir, this will not change that fact that he is a nazir and his korbanos will therefore still be valid korbanos. The Gemara just means that it will be like he is bringing chullin b'azarah, because in reality the nazir doesn't not want to be bringing these korbanos as he regrets is nezirus.

However, in the case of Shimon Hatzaddik this was not a concern, for if someone becomes a nazir with such sincere intentions, we can testify that he will never have regret for doing so.

But on this the Gemara asks:

If so, אי הָכִי
even a nazir tahor also אֶפְיֵלוּ נָזִיר טָהוֹר נָמִי

Why would R' Shimon eat from the korbanos of a nazir tahor? If it is really true that a person will become a nazir as the result of an impulsive desire to do teshuva, perhaps he too will later regret his actions.

The Gemara answers:

(With regard to) a nazir tahor נָזִיר טָהוֹר

no (there is no concern) לָא
for he will evaluate himself דְּאִמְדִּי אֶמִיד נִפְשִׁיה
that he is able דְּיָכוֹל
to make this neder (to become a nazir) לְנִדוֹר

In a typical case of a person becoming a nazir, there is no concern that he will later regret what he did as he is able to evaluate his ability to become a nazir. The problem with the nazir tamei is that he is being forced to be a nazir for longer than he had originally planned, and therefore this is the reason that he might come to regret his becoming a nazir.

Another Explanation with Regard to the Identity of Our Mishna's Author

The Gemara now comes back to its question of who is the Tanna of the Mishna that differentiates between a neder (that the kesayrim would not make) and a nadava (that they would make).

The Gemara gives another possible answer.

And if you want I can say וְאִיבְעִית אִימָא