

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah discusses the use of כנויים—equivalent terms for the acceptance of a vow. The topic of ידות—lit. handles, i.e. partial declarations is also introduced.

2) Contrasting the Mishnah with a Mishnah in Nazir

The Gemara inquires why the Mishnah here includes all different varieties of vows whereas the Mishnah in Nazir limits itself to the vow of nezirus without mentioning the other cases.

A resolution to this inquiry is presented and as part of the explanation the Gemara explains why the cases in the Mishnah are ordered as they are.

3) Clarifying the structure of the Mishnah

It is noted that the Mishnah begins with the topic of כינויים and proceeds to explain ידות. Furthermore, the Mishnah did not even mention ידות such that it should be necessary to explain them.

In response to the second question the Gemara asserts that a phrase is missing that addresses the topic of ידות.

Concerning the first question the Gemara asserts that it is the style of Tannaim when mentioning two topics to elaborate on the last topic first.

Many examples of this style are presented.

The assertion that this is the style followed by Tannaim is challenged from numerous cases where the Tanna begins to elaborate on the first topic mentioned in the Mishnah.

The Gemara responds that when there are many cases in the Mishnah, as is the case with all the Mishnahyos cited to challenge the earlier principle, it is the style to begin to elaborate on the first topic.

Another Mishnah is cited that has only two topics and yet it begins by elaborating on the first topic, thus refuting the principle asserted about the style of Mishnayos. ■

REVIEW and Remember

1. What are כינויי נדריים?
2. What is Chazal's term for one who makes an incomplete declaration?
3. Why does the Tanna mention חרצים in between נדריים and שבועות?
4. When does the Tanna return to the first topic for elaboration?

Distinctive INSIGHT

The nature of כנויים and the status of an oath made with them

כל כינויי נדריים כנדריים

The Gemara later (10a) brings an argument between Rabbi Yochanan and Reish Lakish regarding the source of the expressions of oaths which are referred to as “כינויים—equivalent terms.” Rabbi Yochanan explains that these terms are foreign-language expressions used for oaths. R' Shimon ben Lakish argues and says that they are terms that the sages conceived for people to use when making an oath.

The Rishonim offer varying explanations how to understand the opinion of Rabbi Yochanan. Rambam (Hilchos Nedarim 1:16) explains that these are distortions of pronunciations by stutterers among Jews who could not pronounce the formal words of oaths properly. These mispronunciations later were adopted by the Jewish population, as variations of the original words. Radbaz notes that Rambam actually rules according to R' Yochanan, but that Rambam did not think that words that non-Jews use should be acknowledged as valid to affect oaths. However, because these distortions are actually used by Jewish people as well, albeit the ones who stammer, these variations of the original words are valid. Rashba and Ritva explain that R' Yochanan holds that these words are from one of the foreign languages of the seventy nations, but they are called “equivalent terms” because they only approximate לשון הקדש, which is the main language.

Both according to Rambam and Rashba, an oath is fully binding and has Torah status, whether it is uttered using a normal expression or using a כינוי.

According to Reish Lakish, Tosafos (ד"ה כל כינויי) presents a question whether using a concocted expression of the Rabbis results in the oath being only rabbinic, or whether the one pronouncing the oath relies fully upon the rabbinic expression and utters his oath having in mind that it be with a full Torah status. Rashba, however, explains that according to R' Yochanan and according to Reish Lakish, using a כינוי results in a Torah-level oath. The expressions made up by the rabbis according to Reish Lakish are no less valid than those of R' Yochanan who said that they are expressions borrowed from non-Jews and their languages. ■

Today's Daf Digest is dedicated in loving memory of
 Faige Raizel bas Menachem Manush A"H,
 Mrs. Fanny Inger O.B.M.
 by her children Dr. and Mrs. Aaron Friedman

HALACHAH Highlight

A vow against watching television

נדרים דמיתסר חפצא עליה וכו' שבועה דקאסר נפשיה מן חפצא
Nedarim involve prohibiting the object ... A שבועה involves prohibiting one's self from an object.

There was once a woman whose son became ר"ל very ill and she declared, "I vow (נודרת) that if my son will recover I will remove the television that is presently in my home." When her child recovered she was prepared to throw away the television, but her husband refused to allow her to throw the television away. He had anger management problems and watching television relaxed him and allowed peace and harmony to reign in the household. Unfortunately, on the day the husband became aware of her vow he did not nullify the vow and the woman wanted to have the vow annulled.

Rav Ovadiah Yosef¹ began his analysis of this question with our Gemara. The Gemara defines a נדר as a vow where one declares that the item is prohibited whereas a שבועה occurs when one prohibits himself from partaking of or benefiting from a particular item. In other words, a נדר is directed towards the object whereas a שבועה is directed

towards the person. The Rishonim disagree whether or not one's vow is binding if he used the language of a נדר for a שבועה and vice versa. This is significant because the woman began with נדר language but instead of prohibiting the television she accepted upon herself that she would throw away the television, which is characteristic of a נדר. Shulchan Aruch² first cites the opinion who maintains that if one took a נדר using שבועה language the vow is not binding, except for the fact that it is necessary to have the vow annulled to train people to be more sensitive to נדרים. He then quotes a dissenting opinion (ויש מי שאומר) who maintains that even when the language is mixed up the vow is still binding.

The general rule is that when Shulchan Aruch cites a halacha without qualification (סתם) and then a dissenting opinion (ויש מי שאומר) halacha follows the first unqualified opinion. Even though one should make an effort to follow the dissenting opinion, when that would lead to diminishing sh'lo' m'bayis or prevent a person from fulfilling a mitzvah, one does not have to be sensitive to the dissenting minority opinion. ■

1. שו"ת יביע אומר ח"ח יו"ד סי' כ'
2. שו"ע יו"ד סי' ר"ו סע' ה' ■

STORIES Off the Daf

The tongue-tied brother

כל כינויי נדרים כנדרים

A certain childless man died. Unfortunately, the husband's only brother had a speech defect—he confused his letters terribly. Neither the surviving brother nor the widow was interested in marrying the other, but it was not clear how the young man could possibly say the nusach of chalitzah which is critical and must be said in Hebrew. The question was raised. Does the young man's distorted version count as Hebrew?

This question was brought to the attention of the Maharit, ז"ל, who responded, "Clearly he can do chalitzah—his reading counts as Hebrew. The rea-

son why it does despite his poor enunciation is that we already know in advance how his reading will sound. The letters he switches are known to us, so although it is as though he is speaking in code, it is a code to which we have the key.

The Maharit continued, "This case is similar to the Mishnah in Nedarim 2a that states that כינויי נדרים, slang used to express a vow, that involves inversion of the word normally used to create the neder takes effect even though the words don't sound like the original Hebrew at all. Although one must state nedarim clearly, there are times when people use such distorted versions either due to convention or due to mispronunciation. In either case, if we are aware of the intention of the one using the corrupted version of the word to make the neder, it takes

effect. Similarly, in our case, the nusach of chalitzah will take effect since we know what he is saying and how he will read it in advance!"

The Divrei Yoav, ז"ל, argued with the Maharit, however. "The only reason why a neder stated in slang which doesn't sound like Hebrew takes effect is that the word's effectiveness to render a neder depends on how people speak. If others understand his intention and this is his mode of speech the neder is effective. If a neder had to be in Hebrew, the various כינויים would not take effect since, although we understand his intention, he didn't say it in Hebrew. Similarly, in our case, the unfortunate young man's chalitzah is not said in Hebrew and cannot take effect!" ■

