

OVERVIEW of the Daf

1) Nedarim and Nedavos (cont.)

The Gemara suggests that the Mishnah that distinguishes between nedarim and nedavos reflects the opinion of R' Yehudah.

The distinction between nedarim and nedavos according to R' Yehudah is explained.

A Baraisa that contains a dispute between R' Yehudah and R' Shimon is cited that serves as an example of a nedavah of nezirus that is praiseworthy.

2) A nazir

Abaye presents three Tannaim and demonstrates that each one maintains that a nazir is a sinner.

Two of the Tannaim used the same pasuk to prove that a nazir is a sinner. The use of that pasuk is unsuccessfully challenged.

3) **MISHNAH:** The Mishnah presents examples of כינויים—equivalent terms used for different purposes.

4) Equivalent terms – כינויים

R' Yochanan maintains that equivalent terms are taken from foreign languages whereas Reish Lakish maintains that they are terms created by Chazal.

The rationale behind Reish Lakish's opinion is explained, i.e. he was concerned that use of the correct terms could lead to an improper use of Hashem's name.

It is suggested that the dispute between R' Yochanan and Reish Lakish parallels a dispute between Beis Shammai and Beis Hillel.

This suggestion is rejected and two alternative explanations of the dispute between Beis Shammai and Beis Hillel are offered.

5) Equivalent terms of equivalent terms

Different examples of equivalent terms are presented.

A number of related unresolved inquiries are recorded.

More examples of equivalent terms are presented.

Shmuel discusses additional terms and their meaning.

A Baraisa clarifies the Mishnah's ruling concerning the term מוהי.

6) **MISHNAH:** The Mishnah presents a list of declarations and their implications as far as nedarim are concerned.

Distinctive INSIGHT

The purpose of כינויים

וטעא מאי תקינו רבנן כינויין? דלא לימא קרבן

Shita Mikubetzes explains that the underlying reason given in our Gemara for כינויים follows only according to Reish Lakish, who holds that these alternative expressions are distorted forms of words which the sages authorized as being valid. Accordingly, the Gemara has reason to wonder why the rabbis decided to do such a thing. However, according to Rabbi Yochanan, these expressions are legitimate words from other languages. There is nothing unusual about their being valid terms of an oath.

The Gemara explains that כינויים were adopted in order to prevent people from saying the actual word קרבן, which the sages were afraid would ultimately lead to people's saying God's name in vain. Usage of these artificial words, however, helped to avoid this problem. ר"ן adds that in the district of Yehuda the expression חרם alone is inadequate, unless the person clarifies that the consecration is לה' for Hashem (see later, 18b). What, then, he asks, did the sages accomplish by establishing כינויים for חרמים where the person must say לה' in order for his statement to be valid? Ran answers that using the very expression used by the verse could lead a person to following it with the word לה'. This, in turn, might lead one to say the name of Hashem by itself, which would be in vain. However, when one expresses the concept using the כינוי he will not follow it by saying לה', but rather by saying לבדק הבית, and he will not be led to say God's name as part of the phrase, and certainly not by itself.

This analysis of the ר"ן extends the discussion of the Gemara from נדר to חרם. This shows that he holds that although the Gemara only explained the basis for כינויים for נדר, the Gemara was also coming to explain the reason for כינויים for nazir, cherem and שבועה, as well. Tosafos (ד"ה ה"ג) states this explicitly, and he adds that the focus of the discussion in our Gemara revolves around נדר not to the exclusion of these other themes, but simply because our Massechta deals primarily with נדריים.

Tosafos Ri"ד explains that in as much as the whole purpose of establishing כינויים was to avoid saying the name of Hashem in vain, we see that when pronouncing a שבועה one need not say לה'. If one would have to say Hashem's name regardless, even when using a כינוי, the sages would not have accomplished anything with their rule in reference to שבועה.

This statement of Tosafos Ri"ד indicates that he holds that whenever a כינוי is used, it results in not saying the name of God at all. This is similar to the words of the Ran, where the usage of a כינוי results in not saying Hashem's name at all as part of the formula, which guards against the name's being said in vain. ■

HALACHAH Highlight

One who begins vidui on a day that it is not recited

לבטלה על אחת כמה וכמה

Reciting Hashem's name in vain all the more so [must one be careful.]

Poskim discuss what should be done if a person begins the paragraph **אלוקינו ואלוקי אבותינו** recited before vidui (for those who recite vidui on a daily basis) on a day that vidui is not recited. The difficulty is that if one were to stop as soon as he realizes his error it will turn out that he said Hashem's name in vain which makes him deserving of cherem. Rav Shmuel Halevi Wosner¹, the Shevet Halevi, writes that if it is a day that it is prohibited to recite vidui one should continue with the words, "תבא תפלינו לפניך—Our tefilos should come before You," so that it will constitute a full prayer. One should not continue with the words, **אבל אנחנו ואבותינו חטאנו**—But we and our ancestors sinned," since it is not a day to mention sin.

Rav Menashe Klein², the Mishnah Halachos, suggests that since the person began vidui thinking that it was mandated he is considered a **שוגג** or **אונס** regarding the prohibition of saying Hashem's name in vain and he could just stop as soon as he realizes his mistake. Proof to this could be found in the commentary of Ritva who discusses a case of one who washed and recited the beracha on washing with the intention to eat and something happened that prevented him from eating. Ritva rules that this is not considered a violation of the prohibition against saying Hashem's name in vain since when he originally made the beracha for washing his intention was to eat. Similarly, since this

REVIEW and Remember

1. How did the early pious one's create a circumstance that would obligate them to offer a Korban Chatas?
2. What is the dispute between R' Yochanan and Reish Lakish?
3. What are **כינויי כינויין**?
4. Does one have to mention a Korban for a vow to be effective?

person began vidui thinking it was appropriate it is not a violation of the prohibition. Mishnah Halachos then notes that the two cases are not parallel because in Ritva's case he was interrupted between the washing and the eating, two separate activities but in our case he must stop in the middle of a single prayer and perhaps that constitutes a violation of the prohibition. He concludes that if one has recited the words **אלוקינו ואלוקי אבותינו** he should finish the phrase with some kind of praise of Hashem, e.g. **זכרנו בזכרון טוב לפניך**, and if he already recited the words **תבא לפניך תפלינו** or something similar. A person who begins tachanun and then realizes that it is not recited on that day should merely conclude the pasuk that he is reading and stop at that point. ■

1. שו"ת שבט הלוי ח"ח סי' כ"ד

2. שו"ת משנה הלכות חי"ג סי' י"ט

STORIES Off the Daf

The vow

עומדים ומתנדבים נזירות

There was a certain man who was learning הלכות נדרימ. In Shulchan Aruch he found that the law is that one should never make a neder. If one wishes to give charity, one should say bli neder (see Yorah De'ah, 257:4). It suddenly hit him that there he had often been embroiled in a halachic problem without even realizing it. Why, that very Shabbos, he had been called to the Torah and had made a pledge during the **מי שברך** as per the custom. Perhaps this constituted making a vow? When he asked a friend about this, the man suggested that he say bli

neder immediately after the pledge. The man exclaimed, "But what will that help?"

Since the Shliach Tzibur says the **מי שברך** without saying bli neder, right in front of me in public. I am surely bound by this vow whatever I mumble. So what should I do? I can't refuse an aliyah. First of all, it is not permitted; secondly, I want to get an aliyah during Shabbos and Yom Tov. Besides, whoever else gets the aliyah will have the same problem! Furthermore, there are many halachic sources that say that it is only proper that one vow to give charity on Yom Kippur in memory of one's departed parents since they also need atonement and the charity given in their name atones for them."

The man could find no answer to his question, so he decided to present it before the famous Ben Ish Chai, zt"l. The

great Rav answered, "Since you haven't an option to pay the money on Shabbos or Yom Tov and this is a mitzvah, you may definitely make the vow and are not violating the injunction not to make a vow without saying bli neder. This is because you essentially have no other option to fulfill the mitzvah. The proof for this is in Nedarim 10a. There the Gemara recounts that the earlier Chasidim wished to bring a **חטאת**. Since they never sinned, they would accept a nedavah of nezirus so as to become obligated to bring a **קרבן חטאת**."

The Ben Ish Chai concluded, "We see since their intentions were pure and they had no other option this was permitted. So too, since your intention is for a mitzvah, it is permitted!" ■

