

TIME 4 MISHNA



Summaries

בְּקָרִים

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summaries נדרים

time4mishna@gmail.com

א - ד • The validity of different terms for vows:

- 1) A 'כנוי' - a foreign language term meaning the same as **נזירות**, **שבועה**, **חרם**, **נדר** - different types of vows - is **valid**.
 - 2) A 'יד' - an incomplete נדר whose intention is clear - is **valid**, e.g. "I am separated/distanced from you in that I can't eat your food" without comparing it to something forbidden.
 - ר' עקיבא doubted if "מנוחה" is a יד like 'distanced' or an expression of excommunication which means he was exaggerating so it would be invalid, so he ruled **stringently**.
 - If one says something should be "**not permissible**/pure etc." it's **valid** as if he said 'forbidden'.
 - If one says something should be something **related to קרבנות**, it's **valid**.
ר' יהודה: He must say "**like...**" for it to be valid.
 - "The קרבן": **valid**.
 - ר' מאיר: "For a קרבן I won't eat it": **valid**, since he means "it should be a קרבן so I won't eat it".
- If one forbids something on himself "like the vows of the **wicked**", it's valid for **נזיר**, **קרבן**, **שבועה** since 'wicked' people make such vows.
 - If one forbids it "like the נדבה vows of the **righteous**" it's valid for **קרבן** + **נזיר**, since a righteous person would make such vows, since they take effect immediately when stated.
 - A vow must be declared with a '**דבר הנדור**' - something which can be designated voluntarily and not already forbidden, e.g. קרבן שלמים.
 - A נדר on "my **mouth talking** to you", "my **hand working** with you" or "my **feet walking** with you" is **valid**, since it is binding on the body which is tangible, as opposed to the act itself.

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- A vow declared with a 'דבר האסור' – something already forbidden by the Torah – is **invalid**.

→ Although saying to one's wife "you should be forbidden to me **like my mother**" is דבר האסור, it is **valid** מדרבנן in order that he take נדרים seriously.

א - ג • Differences between a נדר and שבועה:

- 1) A נדר on something **intangible**: **valid** מדרבנן.
Such a שבועה is **valid** מדאורייתא since it forbids the person not the object.
- 2) An **implied** נדר is **invalid**, but an implied שבועה is **valid**.
- 3) A נדר to go **against the Torah** is **valid**, but a שבועה to do so is **invalid**, since we already swore to keep the Torah and one שבועה cannot override a previous one.
- 4) **Multiple** נדרים stating the same thing are **all valid**, but **only one** שבועה is valid.

ד - ה • Interpreting a נדר:

- If it could refer to either **דבר הנדור** **זו דבר האסור**, it is **valid** unless he later states that he meant דבר האסור.
ר' יהודה: If one of them is far **more recognised** in that region, that's assumed to be his intention.
- **ר' מאיר**: If it **sounds valid** but he claims that he was referring to something invalid, it is invalid unless he thought it required annulling in which case the **חכם** should be reluctant to annul it.
חכמים: The **חכם** should annul it, but instruct him to take נדרים more seriously.

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א - ה • Permitted נדרים:

When a נדר is invalid because his intention is for another purpose:

- 1) נדר זרוזין - To urge someone else, e.g. not to pay/accept more/less than a certain amount for a sale, since he did it just to bargain the price.
- 2) נדר הבאי - Based on an exaggeration.
- 3) נדר שגגות - Based on mistaken or forgotten knowledge.
- 4) נדר אונסין - When the conditions were fulfilled out of his control and he had originally intended for them not to be fulfilled.

→ בית שמאי: If part of a נדר is invalid because of one of these reasons, the **rest of it still remains**.

בית הלל: The **whole נדר is invalid**.

- One may **annul a vow in advance**, as long as he has that condition in mind when making it.

When it's מותר to make a false נדר:

- To tell thieves that something is תרומה or **royal property** so that they won't take it, as long as you have in mind an invalidating thought.

→ בית שמאי: A נדר but not a שבועה which is more severe.

בית הלל: Even a שבועה.

בית שמאי: A נדר only if they insist on it.

בית הלל: Even if **they don't ask for it**.

- If one made something הקדש on condition that it **doesn't get destroyed**, he can redeem it.
- If he made it הקדש **until it gets destroyed**, he can't redeem it before it's destroyed.

ו - יא • What's included in a נדר, based on לשון בני אדם - its common meaning:

- "Sailors" doesn't include those who **live on land**, but the opposite does, since they often come onto land.
- "Those who **see the sun**" includes **blind** people, since he means anyone visible to the sun.
- "**Dark-headed** people" includes all men, even **bald** or **old**.
- חכמים: "ילודים" includes anyone who has **been born**, and "נולדים" - which means those who will be born - includes even those who have already been born.
- ר' מאיר: "נולדים" excludes those who have already been born.
- חכמים: "נולדים" includes any species which can give birth.

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- א - ה • **What benefit isn't included in a נדר against all benefit from someone:**
 - If it's just food benefit, all benefit is אסור except for entering his **property** and benefiting from **non food-related items** which you can't use to buy food.
 - Deriving **indirect benefit**, e.g. removal of a claim/debt & bringing a קרבן for you.
 - Accept a **lost item** from him since it always belonged to you, and he is חייב to do it.
 - Learn **תורה שבעל פה** from him, since it's אסור to take money for teaching it, but תורה שבכתב is אסור since it's מותר to take money for it so he is saving you money.
 - Your **children** may learn from him, since you're able to get a teacher who doesn't charge.
 - Your **family be fed** by him, but not your **animals** which increases their worth so is direct benefit.
 - ר' אליעזר: He may feed your **non-kosher animals**, since you don't fatten them up.
 - **Be visited** by him when ill if he stands, in a place where they pay visitors who sit.
 - Going to him to **be cured**, but not to cure your **animals**.
 - **Bathing** in the same pool if it's large, and **sleeping** in the same bed.
 - ר' יהודה: Sleeping together in the **winter** is forbidden, since it provides warmth.
 - **Eating** on the same table and the same plate if it's refilled between each eater.
 - Eating from the same **workers' bowl** & **working** in the same row in a field is אסור.
 - חכמים: מותר to work with him if you're far apart.
 - Eating **his produce during שמיטה** without going into his field, since it's הפקר.
 - Benefitting from a **present** which he gave someone else, and if no one else is there then he can make it הפקר and you can benefit from it.
 - אסור מדרבנן to lend / sell even for a lower price, in case you come to borrow / buy from him.
- If one makes a נדר against **plowing his field**: If he usually plows, his intention was to forbid himself so others can plow it, but if not then no one can.
 - He may **pay someone else to help you** if he doesn't tell him explicitly to do so.

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א - ב • 2 people who share a חצר (courtyard):

- 1) **Both make a נדר** against each other: **חכמים**: Neither may enter the חצר.
ר' אליעזר בן יעקב מוֹתֵר because of 'בְּרִירָה', meaning that when each partner uses the חצר it is considered owned entirely by him.
 - Neither may set things up there, e.g. an oven.
- 2) **One makes a נדר** against the other: **חכמים**: The one who made it may not enter.
ר' אליעזר בן יעקב מוֹתֵר because of 'בְּרִירָה', but since the other partner can use it freely and doesn't need to worry about using it at the same time as him, he might come to use it freely too and transgress his נדר, so he must sell his portion.
- 3) **Someone else makes a נדר** on one of them: **חכמים**: He may not enter.
ר' אליעזר בן יעקב מוֹתֵר because of 'בְּרִירָה', since it's considered like the partner against whom he did not make a נדר owns it entirely.

ג - ו • What benefit is included in a נדר against all benefit from someone:

- Benefit from something **rented out by him** if he left a part of it unrented, since he intended to forbid him.
- "Your house/field": **מוֹתֵר** if he sells it. "This house/field": **אָסוּר**.
- If 2 people are מוֹדֵר from each other: **מוֹתֵר** to benefit from **public property**, e.g. the בֵּית הַמְקֻדָּשׁ and a public water-pit. **אָסוּר** to benefit from the **city's property** in which residents have a say.
 - **מוֹתֵר** if they both relinquish their share to someone else.
 - ר' יהודה**: If they relinquish it to **the official** in charge of the city's property, he **doesn't need to acquire it** since it's becoming publicly-owned.
 - חכמים**: He **does need to acquire it**, but people still usually relinquished their shares to him since he was trusted not to make another נדר against them.
- One may give something to someone else as a gift in order to allow someone who is מוֹדֵר from you to benefit from it, as long as it's a **real gift**, such that the recipient could make it הַקְדָּשׁ.

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- א - י • **What a נדר not to taste food includes, based on לשון בני אדם:**
 - “That which is **cooked**”: Doesn’t include **roasted, under/overcooked** food.
“Cooked food”: Anything **eaten with bread**, i.e. soft, liquid food.
 - “Food boiled in a **pot**”: Anything whose **final cooking stage** is in a pot.
 - “Food which **goes in a pot**”: Anything cooked in a **pot**.
 - “The **pickled** food”: Pickled **vegetables**
 - “The **boiled** food”: Boiled **vegetables**
 - “The **roasted** food”: Roasted **meat**
 - “The **salted** food”: Salted **fish**
 - “Pickled/boiled/roasted/salted food”: **Any** food which is processed in that way.
 - “**Fish, fishes**”: Both **large and small** fish. Doesn’t include cut-up fish or fish brine.
 - “**Assorted fish**”: Even **cut-up** fish.
 - “Cut-up and **mixed fish**”: Even **fish brine**, since it’s part of the mixture.
 - “**Milk**”: **חכמים**: Doesn’t include **whey** (liquid left over after making cheese)
ר' יוסי: Does
 - “**Whey**”: Doesn’t include **milk**
 - “**Cheese**”: Even **unsalted** cheese
 - “**Meat**”:
חכמים: Doesn’t include **meat juice**, even if it’s hardened and contains bits of meat.
ר' יהודה: Does, since it has a meat flavour.
 - “**Wine**”: Doesn’t include something with a **wine flavour**.
 - “**This** wine”: Does
 - “**Grapes**” or “**olives**”: Doesn’t include **wine** or **oil**.
 - “These grapes/olives”: Does
 - “**Dates**” or “**Late-ripening grapes**”:
חכמים: Doesn’t include **date honey** or **grape vinegar**.
ר' יהודה בן בתירא: Does, since it’s still named after its original fruit.
 - **General terms** for food exclude only foods which are referred to specifically, e.g. “**wine**” doesn’t include **apple wine**, but specific foods exclude all general food, e.g. a **specific species** of cabbage doesn’t include **other species**.
 - **ר' יוסי**: If the main ingredient of something has a different name to it, neither includes the other.
 - “**Wheat, wheats**”: **Bread** and **flour**
 - **ר' יהודה**: “**Bean, beans**”: **Cooked** and **raw** beans. “**Bean**”: Only **cooked** beans.

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- **“Vegetables”:**
חכמים: Includes **fresh Egyptian bean**, but **not gourds** since they’re inedible raw.
ר' עקיבא: Does, since it’s viewed by most as a vegetable.
- **“דגן”:** **ר' מאיר:** Any produce which is **piled**, and **“תבואה”** includes the 5 main grains.
חכמים: The **5 main grains**.

ג - ג • What’s included in a נדר on an item:

- **“Clothes”:** Doesn’t include **sackcloth** or thick **sheets** which are used for the rain or not sewn.
- **“Wool/flax on me”:** wool or linen (from flax) **clothes**, not carrying bundles.
ר' יהודה: If he makes the נדר after carrying bundles, his intention is on that.
- **“A house”:** **ר' מאיר:** Doesn’t include an **attic**. **חכמים:** Does
 → **“An attic”:** Doesn’t include a **house**.
- **“A bed”:** **ר' מאיר:** Doesn’t include a **footstool** used to get onto a bed. **חכמים:** Does
 → **“A footstool”:** Doesn’t include a **bed**.
- A **city:** Even the surrounding $70^{2/3}$ **אַמּוֹת**, which are considered part of the city.
- A **house:** Only within the actual house
- **Specific fruit** or what one’s **wife makes/earns:** Even what’s exchanged for or grown from them.
 → **“...that I won’t taste”:** Doesn’t include that.

ה - ט • נדרים with a condition or deadline:

- **“What my wife makes I won’t eat/wear before Pesach”:** **מוֹתֵר** after Pesach
- **“What my wife makes before Pesach I won’t eat/wear”:** **אַסוּר** after Pesach
- If the deadline of the נדר is before the deadline of the condition: **אַסוּר מִדְּרֵבֶּנָּה** to fulfil the **condition after the deadline** of the נדר, since this will retroactively mean he transgressed the נדר.

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- א - ז
- A נדר for “today”: מוּתָר from nightfall
 - “This week”: מוּתָר from שְׁבֵת after
 - “This month”: מוּתָר from ראש חודש
 - “This year”: מוּתָר from ראש השנה
 - “This שְׁמִיטָה cycle”: מוּתָר from after the שְׁמִיטָה year
 - “One day/week/month/year/שְׁמִיטָה cycle”: אָסוּר until the same time next day/week etc.
- 1) If the deadline is a **fixed time**, e.g. פְּסוּח:
- “Until”: אָסוּר until the **beginning** of that time.
 - “Until it is”: אָסוּר until the **end** of that time.
 - ר' יהודה: “I won’t taste wine until *it is* פְּסוּח”: אָסוּר only until beginning, since people drink then. “I won’t taste meat until it is יוֹם כִּיפּוּר”: אָסוּר only until יוֹם כִּיפּוּר
 - ר' יוסי בן ר' יהודה: “I won’t taste garlic until it is שְׁבֵת”: אָסוּר only until Friday night.
 - “Until before”: ר' מאיר: **Beginning**, since he intends only the most certain meaning.
 - ר' יוסי: **End**, since he intends even for a doubtful meaning, and “before” could mean before the remainder of that time.
 - “This year”: End of אָדָר שְׁנִי
 - “Beginning of אָדָר”: Start of אָדָר ראשון
 - “End of אָדָר”: End of אָדָר שְׁנִי, since it’s considered one long month.
- 2) If the deadline is **not a fixed time**, e.g. the harvest: אָסוּר until the beginning unless he says “the end”.
- “Harvest”: Wheat harvest, since it’s most common.
 - If there are different times for **different places**, it depends on his location when he made the נדר.
 - “Rains”: חכמים: **Second rain**, since it’s plural.
 - רבן שמעון בן גמליאל: The expected time of the second rain.
 - “The rains stop”: ר' מאיר: End of נִסָּן
 - ר' יהודה: End of פְּסוּח
- One who says to another that if he doesn’t accept a gift then he won’t derive benefit from him can annul this vow just by him saying that he is **honoured just by the offer**, without accepting it.
 - One who says to another that if he doesn’t give him a gift he forbids him to benefit from him can annul this vow by saying that he considers it **as if he’s received and returned it**.

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- א - י • **Annuling a נדר via a חכם through a פתח (חרטה) - a consequence of the נדר which would've prevented him making it had he realised about it:**
 - 1) **ר' אליעזר**: His **parents' honour**
חכמים: This **isn't a valid פתח** if the נדר wasn't directed at his parents, since people would falsely claim they care about their parents' honour.
ר' צדוק: This can't be valid, since then every נדר could be annulled based on Hashem's honour, since He considers it bad to make נדרים.
 2) **ר' אליעזר**: **'נולד'** - an **unlikely occurrence**, e.g. the house becomes a shul
חכמים: **Invalid פתח**, since it's not something he could have realised when he made the נדר.
 → **ר' מאיר**: If he mentions the unlikely occurrence when making the נדר, even not as a condition, then the **חכמים** would not consider it **נולד** but a valid פתח.
 3) **ר' מאיר**: **עבירות**, e.g. taking revenge
 4) Paying the **כתובה** or **his and his children's honour** and reputation if the נדר was to divorce his wife
 5) **Eating (meat)** on שבת & טוב יום if the נדר was to **fast**
 - **'נדר שיהיה מקצתו הותר כולו'** - A פתח for part of the נדר annuls the whole נדר
 - If one makes a נדר against **several people** at once and finds a פתח for 1 of them, all are מותר.
 - "To this one and this one..." means that each should be like the previous one, so only those against whom he made the נדר after the one for whom he finds a פתח are מותר.
 - A נדר against **wine** because it's harmful to the body can be entirely annulled, since **old wine** is good for the body.
 - A נדר against **onion** because it's harmful to the heart can be entirely annulled, since certain **large onions** are good for the heart.
 - A נדר not to marry someone because she is ugly, dark-skinned or short is invalid if it's not true.
 - **ר' ישמעאל** once made a woman whose possible future husband had made a נדר against her because she was **ugly** look beautiful, and annulled his vow because it showed that she wasn't really ugly in the first place.

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א - ה • נדר - 'הפרת נדרים' - Father/husband annulling a woman's נדר:

Who:

- 1) For a **נערה מאורסה**: Both father & husband, as long as neither approve it before annulling it.
 - If **father dies**, husband **can't annul** until marriage. If **husband dies**, father **can annul** alone.
 - If she's a **בוגרת**, **husband can annul** but father can't.
 - If she **gets engaged**, makes a נדר and gets divorced from different men in 1 day, her **latest husband** can annul previous נדרים with her father who can do so since she's still under his authority.
 - The custom of **תלמידי חכמים** was for her father and husband to **annul all previous vows** just before she got married, since after marriage these can't be annulled.
- 2) For a **אלמנה/בוגרת** whose wedding day has arrived & is supported by her husband:

ר' אליעזר: Husband **can annul**, since she makes it conditional on his approval, like if they were married.

חכמים: Husband **can't annul**, since she only does so when they're actually married.
- 3) For a **שומרת יבם** who got engaged with **מאמר**:

ר' אליעזר: Even if there are other **יבמים**, that **יבם** can, as **מאמר** is like normal **קידושין**.

ר' יהושע: **מאמר** isn't, so he can only if he's the only **יבם** because **זיקה** is like marriage.

ר' עקיבא: He can't annul, since **neither מאמר nor זיקה** acquire her.

When:

- He can't **approve** all **future נדרים**, since there are definitely some which he'd annul.
- **ר' אליעזר**: He can **annul** all her future נדרים, since he'll usually do so when he hears of them.
- **ר' יהושע**: He can't, just like approval, since the Torah compares them to each other.
- He can only annul her נדר on the day he hears of it, before it gets dark.
- **מותר** to annul a נדר on **שבת** even if it's unrelated to **שבת**.

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א - ד • Which נדרים can be annulled via הפרת נדרים:

- **חכמים**: "I'll never **wash myself/use perfume** if I do so today" or a שבועה not to do so, since it's an 'עינוי נפש' – self-afflicting.
ר' יוסי: "**Fruit**", but not "this **country's** fruit" since she can eat other fruit. "This **shopkeeper's** fruit" if he always shops there and can do so on credit.
- Something which isn't עינוי נפש but affects their relationship ('דברים שבינו לבינה') can be annulled with regards the husband, but not everybody else.
 - "**People**": Can't, since it doesn't include her husband, & she can benefit from הפקר.
 - "**כהנים**" or "**לזוים**": They can still take his תרומה or מעשרות, since they have a right over it.
 - "**These כהנים/לזוים**": They can't take his תרומה or מעשרות.
 - "My **מעשה ידים** - earnings - should be אסור to my/your father/brother": Can't annul, since it's not עינוי נפש and doesn't affect their relationship.
 - "My **מעשה ידים** should be אסור to you": **חכמים**: **No need** to annul, as he has a right over them.
ר' עקיבא: He **should annul** it, since the נדר would forbid her extra earnings to him.
ר' יוחנן בן נורי: He **should annul** it, since the נדר would be valid if they divorce and forbid them from remarrying.

ה - ה • Incomplete annulling:

- If he annulled it thinking it was a different **person, type** of נדר or **subject** of the נדר, he must annul it again, even on a different day.
- If he **approved or annulled part** of her נדר, the whole נדר is valid; this is learnt from פסוקים.
- "I won't taste figs and I won't taste grapes" is considered 2 separate נדרים.
- If only after approving it by keeping quiet he **finds out that a נדר can be annulled**, he may annul it on that day.
- If he knew a נדר can be annulled, but didn't realise this was in that category:
ר' מאיר: He **can't annul** it, since he still should've annulled it before.
חכמים: He **can annul** it.
- One who is מוּדָר from his son-in-law can't give anything to his daughter, since her husband can benefit from its פירות (produce), unless he specifies that her husband cannot benefit from it and what she must buy with it.

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פרק ג continued:

- “Those who are חייב to keep **שבת**” includes **כּוּתִיּוֹת**, whose conversion to Judaism wasn’t entirely sincere and valid.
- “Those who eat **garlic**” - referring to the custom on Friday nights - includes כּוּתִיּוֹת.
- “Those who go up to **ירוּשָׁלַיִם** for the **שְׁלֹשׁ רְגָלִים** excludes כּוּתִיּוֹת.
- “**Descendants of נח**” excludes Jews & “**descendants of אַבְרָהָם**” excludes non-Jews.
- “**Uncircumcised** people” includes **circumcised non-Jews** and excludes **uncircumcised Jews**, and “circumcised” is the opposite.
 - ר' אלעזר בן עזריה: A Jew being uncircumcised is displeasing, as it's how the Torah refers to non-Jews.
 - 1) **13 covenants** were made concerning it.
 - 2) It **overrides שבת** if the baby's 8th day falls then.
 - 3) **Moshe was punished** for his short delay in circumcising his son.
 - 4) It overrides the prohibition of **removing צרעת** if it is where the circumcision is meant to be.
 - 5) אַבְרָהָם was only **called “perfect”** once he was circumcised.
 - 6) Were it not for it, Hashem wouldn't have **created the world**.
- One who vows not to have **benefit from Jews** may buy from them for higher prices and sell to them for lower prices.
- One who vows not to benefit Jews may sell to them for higher prices and buy for lower.

פרק ד continued:

- A **vow against a woman** whom he is pressured to marry or against one's wife when getting divorced only includes the benefit of marriage.
- A vow against the house or water of someone pressuring him to **accept his invitation** is **not valid**, since he intended only to avoid the invitation.
- He may **support his wife via a 3rd party** and send her **food, clothes** & a **מַעֲהָ כֶּסֶף**, but he is חייב to eat with her every Friday night, when they must have relations.
 - She receives this as long as she gives him what she makes.
 - Whilst she is **nursing**, she receives more food and is required to make less.

TIME4MISHNA

summaries נדרים

time4mishna@gmail.com

פרק יא continued:

- **הפרת נדרים can't be annulled via נדרים:**
 - A **widow** or **divorcee**, even if their נדר only comes into effect after they marry someone else.
 - If one's husband annuls their נדר and she becomes a widow/divorcee before it would've come into effect, it's still annulled.
 - Her נדרים cannot be annulled once she enters her own authority, through **getting married**, her **father's death**, becoming a **בוגרת** or **getting divorced**, for any amount of time.
 - "I won't benefit from my/your parents if I do something for you" or vice versa: Can be annulled even if it hasn't come into effect yet, since it's **לבינה שבינו**.
- Originally, the following woman required a **divorce and would receive their כתובה**:
 - 1) A כהן's wife who said: "I was **forced to have relations** with another man"
 - 2) A woman who wants to get divorced because her husband **can't father children**
 - 3) A woman who makes a **נדר against having relations**, including with her husband.
 - However, later on the חכמים held that we **don't believe her**.

