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overview

נדרים

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Rules:

מכלל לאו אתה שומע הן - An implied opposite is considered to be part of a statement

אין שבועה חלה על שבועה - A **שבועה** to prohibit something which is already forbidden by a **שבועה** isn't valid

נדר שהוצר מקצתו הותר כולו - A **נדר** which is partially permitted is entirely permitted

מצוות לאו ליהנות ניתנו - A

Concepts and terms:

- **עיקר הנדר** - The full formula of a **נדר**
- **יד** - An incomplete formula
- **כינוי** - A foreign language term
- **דבר הנדור** - Something which is forbidden due to a person's declaration
- **דבר האסור** - Something which is forbidden by the **תורה** and not due to a person's designation
- **התפסה** - When one forbids oneself with a **נדר** by comparing it to a **דבר הנדור**

נזירות - Period of separation from consumption of wine, cutting of hair and becoming **טמא** from a dead body

חרם - A particular form of designation to the **בית המקדש**

- **איסור גברא** - A prohibition upon a person not to do something
- **איסור חפצא** - A prohibition which requires a person to ensure that something isn't done with an item

מושבע ועומד מהר סיני - We are already bound by a **שבועה** made at **הר סיני** to keep all of the **תורה**

טבל - Untithed produce

הקדש - Something belonging to the **בית המקדש**

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לשון בני אדם - The way that people speak

כותים - A nation who converted but whose conversion was doubtful

מודר - One who is prohibited by a נדר

מחצית השקל - Annual obligatory half-שקל donation to the בית המקדש

שלוחי דרחמנא - **כהנים** offer the קרבנות as messengers of Hashem and not of those bringing the קרבנות

מחוסר כפרה - One who had a severe level of טומאה so is forbidden to eat קרבנות and the קרבן which he is obligated to bring will permit him to eat קרבנות

שמיטה - Once every 7 years when it's forbidden to work the land and produce in the fields becomes ownerless

ברירה - When the present status of something will only later be defined, retroactively

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- **How to make a נדר:**

- 1) The 'עיקר הנדר' – **full formula** of a נדר – is when one declares that an item should be forbidden for him to benefit from and compares it to a 'דבר הנדור' – something which is forbidden due to a person's declaration. This comparison is known as 'התפסה'.
 - **חכמים**: If one refers to **terms or items associated with קרבנות** and by extension the **בית המקדש**, his **נדר is valid**.
 - ר' יהודה**: **It's only valid if he explicitly compares it**, saying the word "like".
 - A **קרוב חטאת** is considered a **דבר הנדור** even though it's an obligation, since a person chooses which animal to designate.
- 2) If one accepts upon himself a נדר, **שבועה**, 'נזירות' – period of separation from consumption of wine, cutting of hair and becoming **טמא** from a dead body – or 'חרם' – particular form of designation to the **בית המקדש** – using a 'כינוי' – **foreign language term** – **it's valid**.
 - Alternatively, a **כינוי** is a **term created by the חכמים** for people to use to declare vows, in order that they not mention Hashem's name which is found in the **תורה** when talking about these declarations, which would lead to them using Hashem's name in other contexts as well.
- 3) If one accepts upon himself a נדר, **שבועה**, **נזירות** or **חרם** using a 'יד' – **incomplete formula** – **it's valid**.
 - If one makes a נדר or **שבועה** or declares himself to be a **נזיר** "like the **vows of wicked people**", it's valid; if he compares it to "the **vows of righteous people**", **it's invalid** since righteous people don't make vows in case they will violate them.
 - If he compares it to "the **נדבות (voluntary gifts) of righteous people**", **it's a valid declaration** for a נדר or to be a **נזיר**, since they occasionally accept these upon themselves.

Differences between a נדר and a שבועה:

- 1) Whereas a **שבועה** is an '**איסור גברא**' – prohibition upon a person **to do something**, a נדר is an '**איסור חפצא**' – prohibition which requires a person to ensure that **something isn't done** with an item. Therefore, when making a **נדר not to perform an action**, he must talk in connection to the part of his body which performs that action, e.g. "my mouth is forbidden regarding the benefit of talking to so-and-so."
 - If he declares the נדר on the action itself, it's **valid only מדרבנן**.

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- 2) **ר' מאיר**: Only regarding a **שבועה** does the rule 'מכלל לאו אתה שומע הן' – **an implied opposite** is **considered to be part of a statement**, e.g. "I am not making a **שבועה** against that which I don't eat".
 - 3) A **שבועה** to **violate a מצוה** **isn't valid**, since he is 'משבע ועומד מהר סיני' – already bound by a **שבועה** made at **הר סיני** to keep all of the **תורה**. On the other hand, a **נדר** **is valid** since he just prohibits the item and consequently is unable to fulfil the **מצוה**.
 - 4) Although 'אין שבועה חלה על שבועה' – a **שבועה** to **prohibit something which is already forbidden** by a **שבועה** **isn't valid**, if one makes a **נדר** to **become a נזיר** once he is already a **נזיר**, it **is valid** and he must observe an additional period of **נזירות** after completing the first period.
- If one **does התפסה with a 'דבר האסור'** – something which is forbidden by the **תורה** and not due to a person's designation, e.g. idolatry, **it's invalid**.
 - **תרומה** is **considered a דבר האסור**, since the entire produce was already forbidden as '**טבל**' – untithed produce – due to the **תרומה** contained within it.
 - If an **ignorant person declares that having relations with his wife is forbidden like with his mother**, he is **required מדרבנן to go to a חכם** to permit the **נדר** even though he forbade the action and not any item, so that he not treat **נדרים** lightly.
 - **ר' מאיר**: If one makes a statement which **can be interpreted in 2 different ways**, one of which would be valid as a full formula of a **נדר**, **it's a valid נדר** unless he explains afterwards that he intended for the other meaning.
 - ר' יהודה**: In areas where that statement is **more commonly used for one of the meanings**, his statement is interpreted based on that and **his explanation is ignored**.
 - If one makes a statement using **words which imply one of two meanings**, but it's clear that he wanted it to sound like he is making a **נדר**, **we follow his explanation**.
 - **ר' מאיר**: However, if he is an **ignorant person** then **it's viewed as valid**, and a **חכם shouldn't annul it easily** but rather ensure that he regrets making the **נדר**, so that he doesn't treat **נדרים** lightly.
 - חכמים**: A **חכם can annul it easily**, as long as he rebukes them and instructs them not to treat **נדרים** lightly.

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- **4 נדרי which clearly lack the intention to be valid:**

1) **נדרי זירוזין** – made in order to **urge somebody** to do something, e.g. if a seller declares a נדר if he sells the buyer an item for less than 4 דינר and the buyer declares a נדר if he buys it for more than 2 דינר, it's clear that they both intend for it to be sold for 3 דינר and they aren't forbidden by the נדר.

→ **ר' אליעזר בן יעקב**: Another example is one who makes a נדר that if so-an-so doesn't eat a meal with him then he will be forbidden to benefit from any of his property.

2) **נדרי הבאי** – made in order to **exaggerate** a fact, e.g. a נדר if he didn't see in one place the amount of people who left Egypt.

3) **נדרי שגגות** – made **based on a mistake**, e.g. a נדר if he did something and he had forgotten that he had done that, or that he will do something and he forgot and did it.

→ Another example is if one makes a נדר against his wife and declares that it's because she hit their child, and then finds out that she didn't hit him.

→ **בית שמאי**: If one declares a נדר against a group of people and it emerges that **regarding some of them the נדר was based on a mistake and therefore invalid, the other members of the group are still forbidden.**

בית הלל: **The entire group is permitted**, since 'נדר שהותר מקצתו הותר כולו' – a נדר which is partially permitted is entirely permitted.

4) **נדרי אונסין** – **made out of one's control**, e.g. he fulfilled the condition of a נדר due to being ill.

→ Another type of נדרי אונסין is when it's forced, e.g. one can swear to a thief that something is **תרומה** to prevent him from taking it, and he should have the intention that he only wishes the נדר to last for a very short time.

- **בית שמאי**: One **cannot make a שבועה** to a thief, since it's more severe, and he may only make a נדר about **what the thief tells him** to swear about.

בית הלל: He **may even make a שבועה** about **anything** that he wants.

- One can **make a declaration that any נדר which he makes in the future should not be valid**, as long as he remembers this declaration when making the נדר.

- If one's field or cloak was in danger of being destroyed and he declared it to be 'הקדש' – belonging to the **בית המקדש** – **until it gets destroyed**, it becomes הקדש and even if he redeems it onto something else it **reverts to being הקדש** since part of his declaration is that it should remain הקדש as long as it isn't destroyed.

- **What is included in a נדר:**

Specific נדרי, based on 'לשון בני אדם' – **the way that people speak:**

- Those who **live on dry land**: even those who **go on long voyages at sea**, since they also land and stay on dry land.

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- Those who **see the sun**: even **blind people**, since the fact that he didn't just say 'those who see' implies that he is talking about anybody visible to the sun.
- Those whose **head is darkened with hair**: **men**, even those who are bald or have white hair, since women are referred to as 'those whose hair is covered' and children are referred to as 'those whose hair is uncovered'.
- **ילודים** – those who **have been born**: only those who have **already been born**.
- **תנא קמא**: **נולדים** – those who **are born**: **even those who will be born** in the future.
ר' מאיר: **Only those who will be born** in the future.
- **חכמים**: **All members of species who give birth** as opposed to laying eggs.
- Those who are **obligated to keep שבת**: **even 'נותים'** – a nation who converted but whose conversion was doubtful.
- Those who **eat garlic at the Friday night meal**: **even נותים**.
- Those who **go up to ירושלים** at the **שלוש רגלים**: **doesn't include נותים**.
- **Descendants of נח**: only **non-Jews**.
- **Descendants of אברהם**: only **Jews**.
- **ערלים** - those who are uncircumcised: even **non-Jews** who have a **ברית מילה**, but not Jews even if they haven't got a **ברית מילה**.
- Those who are **circumcised**: even **Jews** who haven't got a **ברית מילה**, but not non-Jews even if they have got a **ברית מילה**.
 - **ר' אלעזר בן עזריה**: Not having a **ברית מילה** is considered disgusting, as evidenced by the fact that the **תורה** calls non-Jews 'uncircumcised' when disparaging them.
 - **ר' ישמעאל**: **ברית מילה** is great, as **13 covenants** were made for it.
 - ר' יוסי**: It's great, as it **overrides שבת** if the 8th day of the baby's life is on **שבת**.
 - ר' יהושע בן קרחה**: It's great, as even **משה רבינו** was **almost killed** for delaying slightly his son's **ברית מילה**.
 - ר' נחמיה**: It's great, as it **overrides the prohibition of cutting off one's צרעת**.
 - רבי**: It's great, since **אברהם אבינו** was **only called 'complete'** once he had a **ברית מילה**.
 - **רבי**: If it weren't for the **ברית מילה**, Hashem wouldn't have created the world.

Which kinds of benefit are prohibited by a נדר:

- If one makes a **נדר not to benefit from other Jews**, he must buy things from them for a **higher price** and sell to them for a **lower price**, and the opposite applies if he makes a **נדר that they can't benefit from him**.

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- If one is **forbidden by a נדר to derive benefit from somebody which can lead to food**, the only benefit permitted to him is to **be in his property**, and to **borrow non-food utensils** which people don't generally charge to use.
- If שמעון is a 'מודר' – one who is prohibited by a נדר – from benefitting from ראובן, ראובן **may donate שמעון's 'מחצית השקל'** – annual obligatory **half-שקל donation** to the בית המקדש – or **pay off his debt**, since this is indirect benefit.
- ראובן **may return שמעון his lost item**, since it's already his and ראובן is just fulfilling his מצוה of returning a lost item, and 'מצוות לאו ליהנות ניתנו' – מצוות weren't given for and aren't considered acts of benefit.
 - If the custom of that location was that the **owner would need to compensate the one who returns the item** for any time taken off work, and both ראובן and שמעון are forbidden to benefit from each other, then שמעון **should give that money to הקדש** so that ראובן doesn't gain from him and he doesn't gain from ראובן forgoing on the payment due to him.
- ראובן **may separate שמעון's tithes** from שמעון's field, if he has his permission but isn't appointed as his messenger, since he isn't giving him real benefit.
- If ראובן is a כהן, he **may offer up שמעון's קרבנות** since כהנים are 'שלוחי דרחמנא' – messengers of Hashem and not of those bringing the קרבנות.
 - Even if שמעון is a 'מחוסר כפרה' – one who had a severe level of טומאה so is forbidden to eat קרבנות and the קרבן which he is obligated to bring will permit him to eat קרבנות – ראובן **may offer up** that קרבן since it's indirect benefit.
- ראובן **may teach שמעון any תורה for which it's forbidden to take money**, since שמעון isn't saving money by learning from him for free.
 - He **may teach תנ"ך only if he charges him**, since one can take money for this as the tune which he teaches him with it wasn't given to משה רבינו.
 - ראובן **may teach תנ"ך to שמעון's children free of charge**, even though שמעון is obligated to teach them תורה.
- ראובן **may provide food for שמעון's wife and children.**
- **חכמים**: ראובן **may not feed שמעון's animals**, since he's increasing it's amount of meat. **ר' אליעזר**: He **may feed a non-kosher animal**, since it's used mainly for working so fattening it up isn't a benefit, and it can't be eaten once dead.
- ראובן **may visit שמעון only briefly** whilst standing **if he is ill**, so that he doesn't stay for longer than it's considered a מצוה.
 - ראובן **may heal שמעון**, since it's like returning a lost item – his health.
 - He **may not heal his animal** since their health was never 'lost' because any animal doctor could heal it.

Things which they may or may not do together:

- They **may not bathe** in the **same small body of water**, since he will push the water towards him.

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- **חכמים**: They **may sleep** in the **same bed**.
ר' יהודה: This is **forbidden in the winter**, since **ראובן** will warm **שמעון** up.
 → They **may sit** on the **same couch**, and we aren't concerned that he'll fall asleep.
- They **may not share** a **plate of food**, in case **ראובן** leaves or pushes some of the food for **שמעון**, unless they know that the host will refill the plate as soon as it's finished.
 → They **may not eat** from the **same workers' bowl of food**.
- **ר' מאיר**: They **may not work** in the **same row in the field**, in case they come to work close to each other which is a benefit.
חכמים: They **may work in the same row at a distance** from one another.
- If **שמעון** became **מודר** from benefitting from **ראובן** before '**שמיטה**' – once every 7 years when it's forbidden to work the land and produce in the fields becomes ownerless – then **even once שמיטה has arrived it's forbidden** for **שמעון** to benefit from the produce which did belong to **ראובן**.
 → If the **נדר was made during שמיטה**, he **may benefit from the produce in his field** as long as he doesn't benefit from **ראובן's** land by treading on it.
- It's **forbidden מדרבנן** for **שמעון** to **lend or sell something to ראובן**, in case **ראובן** comes to lend or sell something to him.
- If **שמעון** asks **ראובן** if he can borrow his cow and **ראובן** refuses, after which **שמעון** angrily **declares a נדר forbidding himself to use that cow for ploughing, even his worker is forbidden** to use that cow to plough his field, unless **ראובן** himself generally did the ploughing in which case the **נדר** was against himself only.
- If **ראובן** wants to help **שמעון**, he **may go to a shopkeeper or worker and hint that they should help שמעון** and then he can pay them for what **שמעון** owes them.
- If **ראובן** and **שמעון** are on a journey and **שמעון has run out of food**, **ראובן** may **give somebody else food** so that **שמעון** can receive it from that person.
 → **חכמים**: If **they are alone**, **ראובן** can **make his food ownerless** and **שמעון** may benefit from it, as long as it was implied in the **נדר** that it would apply to items only as long as they remain in **ראובן's** ownership.
ר' יוסי: **This is forbidden**, in case **ראובן** states that only **שמעון** may take it, in which case it doesn't become ownerless.

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- **חכמים**: If 2 people who share a courtyard are **מודר** from each other, they **may not enter the courtyard** since each partner constantly has a share in the courtyard.
 - ר' אליעזר בן יעקב**: They **may enter the courtyard**, since when they originally bought the courtyard, each one bought the total ownership of the courtyard for the times that he would use it, via the principal of '**ברירה**' – when the present status of something will only later be defined, retroactively. Therefore, when each one enters the courtyard, they are not benefitting from the other person since it's totally theirs at that time.
 - One of them **may not set up a millstone or oven or raise chickens** there, since by the other one not using his right to object he is benefitting his partner.
 - **חכמים**: If **only one of them made a נדר not to benefit from the other**, he **may not enter the חצר** and he **must therefore sell his share** so that he doesn't come to violate the נדר due to seeing his partner continuing to use the courtyard.
 - ר' אליעזר בן יעקב**: He **may continue to use the courtyard**, since it belongs totally to him at that time.
 - **חכמים**: If **somebody else is forbidden to benefit from one of the partners**, he **may not enter the courtyard**.
 - ר' אליעזר בן יעקב**: He **may enter if it is for the sake of the other partner**, since at that time it's considered owned totally by the other partner.
- If at the time that the נדר is made, **ראובן has rented something out**, it's assumed that his intention is **not to include it in the נדר**, unless he retains a hold on part of it.
- If **שמעון** is forbidden to benefit from **ראובן**, he **may not benefit** from **things belonging to the residents of ראובן's city**, e.g. the city-square and shul, but **may benefit** from **things which are owned by the entire Jewish people as one**, e.g. water-pits on the way to ירושלים.
 - If **ראובן writes his share in his city's property to somebody else**, **שמעון may benefit** from those things.
 - **ר' יהודה**: If he writes over his share to the **leader of the city**, he **doesn't need to perform an act of transfer of ownership**.
 - חכמים**: He **does need to**, however most people would write over their share to the leader of the city since he wouldn't make a נדר against them.
 - **Residents of גליל** can assume that their ancestors already transferred ownership of their share, because of their many arguments.
- If **ראובן gives somebody else a gift in order that שמעון can benefit from it**, it's **invalid if he doesn't give over total ownership**, e.g. he retains the right of giving the item over to **הקדש**.

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Specific נדרים, based on לשון בני אדם:

- **Something which is cooked:** not something roasted or undercooked.
 - A **cooked dish:** something which is cooked and which is eaten with bread.
- **Something made in a pot:** a **specific dish** made of flour and pieces of bread which are cooked for a long time in a pot.
 - Something which **goes into a pot:** anything which is cooked in a pot.
- **The pickled/undercooked/roasted/salted food:** the food with which this is done most commonly, i.e. vegetable/meat/fish.
 - If he **doesn't add 'the'**, he is forbidden to benefit from anything processed in that way.
 - **אבא שאול:** The cheese: Both salted and unsalted cheese, since both are common.
- **Fish fishes:** large fish which are generally eaten by themselves, and small fish generally eaten together, but not crushed up fish or fish brine.
 - A mixture of small fish: even crushed up fish.
 - Crushed up טרית (a fish which is always eaten crushed up): even fish brine.
- **חכמים:** Milk: Not whey.
 - ר' יוסי:** Even whey.
 - Whey: not milk.
- **חכמים:** Meat: Not the sauce, even that which contains small strands of meat.
 - ר' יהודה:** Even the sauce, since it has the taste of meat.
 - **חכמים:** If he makes a נדר against specific meat, it's forbidden to benefit from anything which has its taste.
 - Similarly, a נדר on grapes or olives doesn't include wine or oil, but if it's on specific grapes or olives then it's forbidden even once it's processed into wine or oil.
- **תנא קמא:** Bad-quality grapes which ripen in the winter: Only the grapes themselves.
 - ר' יהודה בן בתירא:** Even the vinegar made from them, since this vinegar is known as winter-grapes vinegar.
 - חכמים:** Permitted totally, since his intention is clearly to forbid the vinegar since the grapes are always turned into vinegar and not eaten themselves. The vinegar is also permitted, since he didn't say that.
- **Wine:** Only regular wine, but not apple wine which is always known as apple wine.
- **Wheat wheats:** Both cooked bread which is one unit, and raw wheat like flour which is separate pieces.

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- **חכמים**: **ירק** (green, leafy vegetables which can be eaten raw): **Not gourds**, since even though they are green and leafy, they cannot be eaten raw.
ר' עקיבא: **Even gourds**.
→ The **חכמים** brought a proof from a standard case when somebody tells his messenger to bring him **ירק** and he returns telling him that he only managed to find gourds. **ר' עקיבא** replied that this supports his opinion.
→ This **נדר** **includes fresh Egyptian beans but not dry ones**.
- **ר' מאיר**: **דגן** (literally 'something which is piled up') includes **anything which is piled up in the field**, e.g. Egyptian beans, and **תבואה** includes **the 5 primary grains** – **wheat, barley, oat, spelt and rye**.
חכמים: **דגן** also refers only to **the 5 primary grains**.
- **Clothing**: **Not sackcloth or large, unsewn material**.
- **"Wool coming upon me"**: Only **wearing wool**, but not shearings.
→ **ר' יהודה**: If one is **carrying bundles of wool** and he makes a **נדר** against wool coming upon him, he **may still wear woollen clothing** but may not **carry bundles of wool**, since his intention is clear.
- **ר' מאיר**: **House**: **Only the main ground floor**.
חכמים: **Even the upper floor**.
→ **Upper floor**: **Not the house**.
- **ר' מאיר**: **Bed**: **Only a bed used for sleeping**.
חכמים: **Even a mini bed** used to step onto a regular bed.
→ **Mini bed**: **Not a regular bed**.
- **City**: Even the **'עיבור העיר'** – $70\frac{2}{3}$ **אמות** **surrounding a city**, within which a significant structure is considered to be an extension of the city itself – but **not the 'תחום'** – **2000 אמות** maximum distance that one may travel outside of one's city on **שבת**.
→ **House**: **From the threshold inwards**.
- If one makes a **נדר not to benefit from specific produce**, this is viewed like **הקדש** so it's **'חלופין'** – that which is **exchanged** for an item – and **'גדולין'** – that which **grows** from something if planted in the ground – **are also forbidden**.
→ If the **נדר** is **only not to benefit from eating it**, it's not like **הקדש** so **only גדולין of produce whose seed doesn't disintegrate when planted are forbidden**, since they're considered an extension of the produce itself.
→ The same applies to one who makes a **נדר on his wife's 'מעשה ידים'** – that which a married woman makes – and the **נדר** has the power to forbid even future **מעשה ידים** since he himself is in the world presently.

Deadlines of נדרים based on **לשון בני אדם**:

- If one makes a **נדר** that **that which his wife makes he won't use until פסח**, **פסח** is the deadline of the prohibition of the **נדר**, whereas if he states that that which she makes until **פסח** he won't use, **פסח** is the deadline of what will forever be forbidden.

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- If one tells his wife right after סוכות that **if she goes to her father's house before next סוכות, he is making a נדר that she may not benefit from him until פסח**, then פסח is the deadline for the נדר and סוכות is the deadline of the condition, and **she can violate the נדר retroactively** if the condition is fulfilled after her benefit.
 - If the נדר is made until סוכות if she goes to her father's house before פסח, then **she is permitted to go to her father's house after פסח** in any event.

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- **Today:** Forbidden until **nightfall**.
- **This week** or **this שמיטה cycle**: Forbidden until and including **שבת**/the 7th year.
- **This month** or **this year**: Forbidden until but **not including ראש השנה/ראש חדש**.
 - Since one who says “**one day/week/month/year/שמיטה cycle**” is **forbidden until the same time the following day etc.**, **נדריבנן** if one wishes to go against the **נדריבנן** before this time in the above cases he must annul his **נדריבנן**.
 - Even if that year is **declared a leap year**, he is **forbidden until ראש השנה**.
 - If one makes a **נדריבנן until the beginning or end of אדר** in a leap year, he is forbidden until the **beginning or end of אדר ראשון**.
- If one's deadline is something which has a **fixed duration**, e.g. **פסח**, then if he says “until it will be” he is **forbidden until the end of that time**.
 - If it **hasn't got a fixed duration**, e.g. the harvest, it's assumed that he only wishes to be **forbidden until the beginning of that time**.
 - **ר' יהודה**: If one makes a **נדריבנן not to drink wine until it will be פסח**, he is only forbidden until the **first night** when it's an obligation to drink wine, since this is assumed to be his intention.
 - A **נדריבנן not to have meat until it will be יום כיפור** lasts until the **last meal eaten before יום כיפור**.
 - **ר' יוסי בן ר' יהודה**: A **נדריבנן not to eat garlic until it will be שבת** lasts until the **Friday night meal**, during which people customarily ate garlic, even though no **מצוה** is involved.
- **ר' מאיר**: “**Until before פסח**”: Until the **beginning** of **פסח**.
- **ר' יוסי**: Until the **end**, since as long as part of **פסח** remains, it's considered ‘before פסח’.
- **The harvest**: The **beginning of the main harvest** in the area in which he makes the **נדריבנן**, e.g. the wheat harvest.
- **חכמים**: **The rains**: **The second rain**.
- **רבן שמעון בן גמליאל**: **The estimated time of the second rain**, since he wishes to forbid himself for a known amount of time.
- **ר' מאיר**: **The rains stop**: **The end of ניסן**.
- **ר' יהודה**: **The end of פסח**.
- If **ראובן** makes a **נדריבנן not to benefit from שמעון unless שמעון accepts a large gift** from him, **שמעון is able to say that he feels the honour** that **ראובן** is trying to give him just by the offer so he doesn't need to receive it in order for **ראובן** to be permitted.
 - **ר' מאיר**: If **ראובן** makes a **נדריבנן that שמעון cannot benefit from him until he gives him a gift**, the **נדריבנן is valid** and requires **התרת נדרים** if he doesn't give the gift.
 - **חכמים**: **ראובן is able to say that he views it as if he received it**.
- If one is **being pressurised to marry a particular woman, or if he is divorcing his wife**, and he makes a **נדריבנן** that she cannot benefit from him, the **נדריבנן only forbids marriage** but not other benefits.

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נדרים

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- What is a valid 'פתח' - consequence of one's נדר which would have prevented him from making the נדר had he realised it at that time - for 'התרת נדרים' - when a חכם cancels a נדר:

- 1) ר' אליעזר: The **dishonour brought to his parents** by their child making נדרים.
 → ר' צדוק questioned why this should be any different from the dishonour to Hashem caused by making a נדר, which is an invalid פתח?
 The answer is that the reason why Hashem's dishonour can't be used as a פתח is because since this is relevant to every נדר, people would come to annulling their own נדרים without going to a חכם.
חכמים: This **cannot be used as a פתח**, in case he'd be embarrassed to admit that the dishonour towards his parents would have prevented him making the נדר.
 → Therefore, if the נדר was to prohibit his parents then **this פתח can be used** since he evidently is willing to show his dishonour to his parents.
- 2) ר' אליעזר: 'נולד' - an **unlikely consequence** of a נדר, since if he had known that this would happen then he wouldn't have made the נדר.
חכמים: This is **invalid**, since even had this possible consequence occurred to him when making the נדר, he would still have made the נדר since this is so unlikely to happen.
ר' מאיר: If when making the נדר, **he states the reason** that he is making the נדר and that reason becoming irrelevant is unlikely and thus **נולד**, e.g. a נדר not to marry a particular woman due to the wickedness of her father, then **it is a valid פתח**.
 → If when making the נדר **he states the reason as a fact**, e.g. a נדר not to marry a particular woman *who is ugly*, and that reason emerges to be false, then **the entire נדר is invalid**.
ר' ישמעאל: The נדר is **invalid even if she became pretty afterwards**, since this means that she isn't considered an ugly woman.
- 3) ר' מאיר: A **particular violation of an עבירה**, e.g. if it didn't occur to him that his נדר would lead to him violating the עבירה of taking revenge.
- 4) The **need to give one's wife her 'כתבה'** - a document written at the time of marriage which entitles the woman to an amount of money from her husband upon being divorced or widowed - if the נדר obligates him to divorce her, e.g. if he forbade their relations.
- 5) The **יום טוב and שבת מצוה of eating meat**.
 → ר' עקיבא: If the נדר is permitted for these days, then **the entire נדר becomes permitted** since נדר שהותר מקצתו הותר כולו.
 - This rule only applies if the נדר is stated using language which **includes all individual parts in one**, e.g. "I won't benefit from all of you."
 - If one makes a נדר not to benefit from **ראובן**, then **declares that שמעון should be like ראובן**, and **לוי** like שמעון, then as soon as one of them becomes permitted all those who followed him are also permitted.

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- If one **specifies individuals** in declaring his נדר and states the word 'נדר' or 'קרבן' in between each one, then they aren't dependent on each other.
 - **ר' מאיר**: If one makes a נדר **not to eat onions and states that it's because it's bad for the heart**, and then finds out that certain onions are good for the heart, his **entire נדר is permitted**.
- 6) The damage done to **his and his family's reputation**.

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- **‘הפרת נדרים’ – when a woman’s husband or father annuls a נדר:**
 - If a **‘נערה המאורסה’** – woman who is **12-12½ years old** who has received **‘קידושין’** (the first stage of marriage, acquisition of a wife) – makes a נדר, it can be annulled if **both her father and future husband annul it** on the day that they hear of it.
 - If her future **husband dies** before completing the marriage, **her father can annul** the entire נדר alone, just like before she received **קידושין**.
 - If her **father dies**, **her husband cannot annul** her נדרים alone until they are fully married.
 - A **father cannot annul his daughter’s נדרים** once she has become a **‘בוגרת’** – woman who is **above 12½ years old** and has left her father’s authority.
 - If a **נערה המאורסה** makes a נדר, then gets divorced or her husband dies, and then **gets remarried on the same day**, **her father and current husband can annul her נדר**.
 - Since the ability of a **נערה המאורסה’s** future husband to annul her נדרים comes from joining in with her father’s **הפרה**, whereas once they are fully married he gains his own ability to do **הפרה**, **her husband isn’t able to annul נדרים made before they are fully married once they are fully married**.
 - Righteous people would ensure to annul all of their daughter or future wife’s נדרים just before she got fully married.
 - **ר’ אליעזר**: Once **the date fixed for a נערה המאורסה to get fully married arrives**, her future husband becomes obligated to support her and **he can annul her נדרים**. This is because a husband’s ability to annul is since **‘כל הנודרת על דעת בעלה נודרת’** – when a woman makes a נדר, she does so with the intent that it should be valid only if her husband wishes it to be.
 - חכמים**: **He cannot annul** her נדרים alone.
 - **ר’ אליעזר**: If a **‘שומרת יבם’** – **woman whose husband has died without children** and there is a מצוה for one of his brothers (known as a **‘יבם’**) to marry her – receives **‘מאמר’** – קידושין performed by a **יבם** with a **שומרת יבם**, it is valid **מדאורייתא** like regular קידושין, so **he can annul her נדרים** together with her father, as long as she wasn’t yet fully married to her original husband.
 - ר’ יהושע**: **מאמר** isn’t recognised **מדאורייתא**, however **if there is only one יבם** then a strong **‘זיקה’** – weak marital bond between a **יבם** and **שומרת יבם** – exists, and **he can annul her נדרים**.
 - ר’ עקיבא**: **Even an individual יבם cannot annul her נדרים**, since their bond is weaker than a bond created by **קידושין**, as evident from the fact that one who has relations with a woman who has received **קידושין** from somebody else is liable to the death penalty, unlike with a **שומרת יבם**.
 - One cannot do **‘הקמה’** – when a woman’s father or daughter agrees and thereby **established her נדר** and from then on is unable to do **הפרה** – for **future נדרים**, since there are certain נדרים which he wouldn’t wish to be valid.

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→ **ר' אליעזר**: הפרה can be done before the נדר is made.

חכמים: הפרה cannot be done before the נדר is made, since the תורה compares it to הקמה.

- Whereas התרת נדרים should **מדרבנן** not be done on שבת, הפרת נדרים can be done on שבת since it can only be done on that day.

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נדריים

Which נדריים can be annulled:

- **נדריים** only applies to נדריים which cause the woman 'עינוי נפש' – **suffering** – or which are 'דברים שבינו לבניה' – things which **affect her relationship** with her father/husband.
 - נדריים for הבניה שבינו לבניה **only annuls the part of the נדר which affects him**, and only until she is divorced and remarries somebody else, thus becoming forbidden to remarry him.
 - **חכמים**: Even a **low level** of עינוי נפש is sufficient for him to annul her נדר fully.
 - ר' יוסי**: A **high level** of עינוי נפש is required, e.g. a נדר not to eat a fruit from the entire world.
 - If she makes a נדר not to eat the fruit from the shop which her husband buys from regularly so they allow him to buy on credit, this **is considered עינוי נפש** since if he doesn't have money then he won't be able to buy fruit for her.
 - If she makes a נדר not to benefit from any people, it's understood that **her husband isn't included** so he cannot annul it since she can continue benefitting from him, and if he is poor than **she can take the tithes which are left for the poor** since they are considered ownerless.
 - If one makes a נדר that **כהנים** and **לויים** cannot benefit from him, he loses the usual right which he has to choose which **כהן** or **לוי** to give his tithes to since he would be benefiting them, so he loses all ownership of the tithes and **any כהן or לוי may take it**.
 - If the נדר is on **particular כהנים** or **לויים** cannot benefit from him, he still retains ownership in terms of the right to choose who to give it to, so **those כהנים and לויים may not take it**.
 - If a woman makes a נדר to forbid somebody else, **her husband can never annul it**.
 - **חכמים**: If a woman makes a נדר to forbid her husband from benefitting from her 'מעשה ידים' – that which a woman makes or earns – **he doesn't need to annul it**, since he has the rights to her מעשה ידים so she can't forbid them to him.
 - ר' עקיבא**: He **should annul it**, so that he can benefit from the extra מעשה ידים which she makes, which aren't included in his rights.
 - ר' יוחנן בן נורי**: He **should annul it**, since if he divorces her then the נדר which become valid and he'll be forbidden to remarry her since he won't be able to receive her מעשה ידים.
 - If one hears of his daughter or wife's נדר and annuls it, and after the day has passed he **finds out that the details of the נדר were different to what he had thought**, he **must annul it again and he has until the end of that day to do so**, since it's considered that he only heard the נדר on that day.
 - Whereas התרת נדריים cancels a נדר retroactively, **הפרת נדריים** annuls a נדר for the future, so **the rule of נדר שהותר מקצתו הותר כולו** doesn't apply.

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- It's learnt from פסוקים that הקמה on part of the נדר establishes the entire נדר.
- If one states the parts of his נדר separately, it's considered like 2 separate נדריים.
- If one only finds out that there is a concept of הפרת נדריים after the day that he heard the נדר has ended, he has until the end of that day to annul it.
 - ר' מאיר: If he knew of the concept of הפרת נדריים but thought that he wasn't able to annul this particular נדר, he can't annul it after that day, since he should have done so to be safe.
 - חכמים:** He has until the end of the new day to annul it.
- If one wishes to give a gift to his daughter but is forbidden to benefit his son-in-law, he needs to specify that he is giving it on condition that her husband cannot have it and that she must use it for something specific, e.g. eating.
- If a widow makes a נדר to begin in a month's time and she gets married within the month, her husband cannot annul it.
 - If a married woman makes a נדר to begin in a month's time and her husband annuls it and dies within the month, it remains annulled.
- If one's wife makes a נדר and he divorces her and remarries her on the same day, he cannot regain his right to annul her נדר.
- A נדר made by a woman who isn't currently married cannot be annulled if: (1) she has previously been fully married; (2) her father has died; (3) she has become a בוגרת.
- If a woman makes a נדר of עינוי נפש and attaches a condition to it which isn't עינוי נפש, then her husband cannot annul it since she is able to just not fulfil the condition.
- (1) If the wife of a כהן claims that she was forced to have relations and so her husband is obligated to divorce her; (2) a woman claims that her husband isn't able to have children; (3) a woman makes a נדר not to have relations with anybody, presumably spurred to do this due the difficulty involved in having relations with her husband, her husband must divorce her and pay her כתובה.
 - Later on, for fear that she would be willing to embarrass herself with this claim even if it's false in order to receive a divorce, so he isn't obligated to divorce her.

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