



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Nedarim Daf Tes Zayin

MISHNA

- If someone says "shevuah I will not eat from you", or "ha shevuah that I will eat from you" or "no shevuah I shall not eat from you", he is assur to eat the food, because the shevuah is effective.

GEMARA

- **Q:** The Mishna seems to say that when someone says "ha shevuah she'ochail lecha" (the second case) this suggests a shevuah that he will not eat from the other person. However, a Mishna discusses the different types of shevuos and says there is a shevuah she'ochal and a shevuah shelo ochal. This suggests that the words of "ha shevuah she'ochail lecha" do not mean that he will *not* eat from the other person!? **A: Abaye** said, "she'ochal" can mean "I will eat" and can mean "I will not eat", depending on the context in which it was said. **A2: R' Ashi** said, the Mishna should be read as saying "she'i ochal" (I will not eat), and the Mishna teaches that if he says that, we assume he truly meant that, and it was not just improper speech (and he truly wanted to say "she'ochal").
 - **Abaye** didn't say like **R' Ashi**, because the Mishna does not say the words of "she'i ochal". **R' Ashi** didn't say like **Abaye**, because if we are to change the meaning of "ochal" based on context, we should also have to understand the meaning of "lo ochal" based on context. If so, the Mishna should discuss this as well. Rather, it must be that the Tanna means "she'ochal" to be understood in only one way (that he will eat).

MISHNA

- This is a way in which shevuos are more stringent than nedarim, and there is a way in which nedarim are more stringent than shevuos:
 - If someone says – konam a succah that I make, or a lulav that I take, or tefillin that I put on – this would create a neder but not a shevuah (if a term of shevuah is used he would still be permitted to sit in the succah, etc.), because one cannot make a shevuah that makes him transgress a mitzvah.

GEMARA

- **Q:** The Gemara feels that the Mishna's first statement ("this is a way") refers to the case of the last Mishna, where the person made a shevuah that I will not eat from you, and this Mishna is saying that a neder on this subject ("korbon I will not eat of yours") will be effective, but it will be more lenient. However, we have learned that such a neder is not effective at all!? **A:** The first statement of the Mishna is going on the previous Mishna when it said "Shevuah that I will not sleep, speak, or walk", which is an effective shevuah. The corresponding neder of this nature is only effective D'Rabanan (as we have learned previously). That is what the Mishna meant when it said that the shevuah is more stringent (since it is effective D'Oraisa).

CHOMER B'NEDARIM MIB'SHEVUOS KEITZAD...

- **R' Kahana in the name of R' Gidal in the name of Rav** said, the pasuk of "lo yacheil devaro" teaches that one may not transgress a shevuah when it is "his own word" being transgressed, but he may do so if the shevuah makes him transgress the Word of Hashem. This teaches that one may not swear to transgress a mitzvah.

- **Q:** That pasuk also refers to neder, so why is a neder effective when made to transgress a mitzvah? You can't say it is because the pasuk says "yidor neder LaShem..." which we darshen to mean that the lo yacheil even applies when it is a neder against the Word of Hashem, because the pasuk also says "Lashem, oh hishava shevuah", which should be darshened in the same way!? **A: Abaye** said, a neder is made on the object (e.g. the benefit of the succah is assur to me) whereas a shevuah is made on the person (e.g. I will not benefit from the succah). A mitzvah is an obligation on the person. Therefore, only a shevuah goes directly against the mitzvah (i.e. the Word of Hashem) and therefore cannot be effective.
 - **Q: Rava** asked, mitzvos are not given for benefit. Therefore, even a neder that someone will not benefit from a succah should not preclude him from sitting in a succah (since he does not sit in it for the benefit, but rather for the mitzvah)!? **A: Rava** therefore said, the neder meant is when he says "dwelling in a succah is assur to me with a neder", and the shevuah is when he says "I make a shevuah not to dwell in a succah". Since the shevuah is on the person, it directly opposes the mitzvah and cannot take effect.
- **Q:** Another Braisa darshens this concept from a different pasuk!? **A:** One pasuk makes him (the one who made a shevuah not to do a mitzvah and then didn't keep the shevuah) patur from having to bring a korban for not keeping his shevuah, and one pasuk teaches that he is also not even chayuv for the lav of not keeping a shevuah.