



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

### Nedarim Daf Chuf Aleph

#### PEREK ARBA'AH NEDARIM -- PEREK SHLISHI

#### MISHNA

- There are 4 types of nedarim that the **Chachomim** permitted (they have no effect and need not be annulled): zeiruzin (said to motivate someone to do something), havai, shogeg, and onsin.
  - A neder of zeiruzin would be as in a case where a seller makes a neder to a prospective buyer that he will become assur to benefit from the money if he accepts less than 4 shekel, and the buyer makes a neder that he will become assur to benefit from the item if he pays more than 2 shekel. In actuality, both will do the deal at 3 shekel and neither neder takes effect.

#### GEMARA

- **R' Abba bar Mamal** told **R' Ami**, you told us in the name of **R' Yehuda Nesia** that our Mishna must follow **R' Yehuda in the name of R' Tarfon**, who says that nezirus, and therefore any neder, only takes effect when it is stated clearly at the time of acceptance. Therefore, a conditional neder will never be effective. This explains why the zeiruzin is not a neder, because it was made on the condition that they accept less or pay more than a certain amount.
  - **Rava** said, the Mishna may even follow the **Rabanan** who argue on **R' Yehuda in the name of R' Tarfon**, because the Mishna says that both were agreeable all along to the 3 shekel price and that is why there is no neder. According to **R' Yehuda in the name of R' Tarfon** the Mishna could have said "both agreed", meaning that they didn't agree all along, and still it would not be a neder, because it was made on a condition.
- **Q: Ravina** asked **R' Ashi**, what would be the Halacha if the gap between the seller and buyer was larger than 2 shekel (this is according to the second understanding of the Ran), would we still say that the neder was said to motivate a negotiation or since the gap is so wide do we say that the neder was said in earnest? **A: R' Ashi** said, a Braisa says that even if someone makes a neder not to enter someone's house or to drink his water, he may still do so, because the neder was only made to make sure he doesn't eat a meal there. We see that a neder need not be taken literally and therefore even in the case of the wide gap, the neder was said to motivate negotiation.
  - **Q: Ravina** said, these cases are very different. The case of the not drinking water need not be taken literally, because he was being pushed to go and eat a meal. In order to show that he will not eat the meal he made the neder not to even drink from the person. He needed to go to that extreme, even though he didn't actually mean it, to show that he allowed no wiggle room to be pushed to eat. However, in the case of the negotiation it is unclear!? The Gemara leaves with a **TEIKU**.
- **R' Yehuda in the name of R' Assi** said, the 4 promises listed in our Mishna do need to be annulled. **Shmuel** said to **R' Yehuda**, the Mishna clearly says that they do not need to be annulled, and you say they need to be annulled!?
  - **R' Yosef** had a different version of the statement, and stated as follows. **R' Yehuda in the name of R' Assi** said, a chochom may not annul a neder unless it is similar to the 4 nedarim of our Mishna. The Gemara explains, this means that we cannot annul a neder based on regret, but must rather be based on something that the maker of the neder can say he would never have made the neder had he realized a particular circumstance.

- A person came to **R' Huna** to annul a neder and he annulled it based on regret. Obviously he argues on the above shita.
- A person came to **Rabbah bar R' Huna** to annul a neder. He asked the person, if there would have been 10 people to calm you down at the time you made the neder (out of anger) would you have still made the neder? The person said he would not have made the neder. Based on that he annulled the neder.
  - We find in a Braisa that this machlokes between **R' Huna** and **Rabbah bar R' Huna** is actually a machlokes between **R' Yehuda** (who says like **R' Huna**) and **R' Yishmael the son of R' Yose in the name of his father** (who says like **Rabbah bar R' Huna**).
- We find that **R' Assi** annulled a neder based on regret. We find that **R' Elazar** did as well. **R' Yochanan** once annulled a vow of a woman when the woman said that had she known people would rumor that her daughter was mezaneh based on the neder that this woman made she would never have made the neder. **R' Yanai Saba** once annulled the neder of his grandson when his grandson said that had he known that in Heaven they would scrutinize his deeds for having made that vow, he would never have made it.
  - **R' Abba** explained that this concept of **R' Yanai Saba** is based on a pasuk. The Gemara says, that although **R' Yanai Saba** used this as a reason to annul, we would not use this as a reason (people would claim to never have made the vow had they known this, but in truth it may be that they would have made the vow anyway).