



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

### Nedarim Daf Chuf Ches

#### MISHNA

- One may make a neder to a murderer (who wants to take his items), or to thieves, or to tax collectors, to show that the items that they want to take are terumah even if they are not terumah, or that they belong to the king even if they do not belong to the king.
- **B" S** say a person may make any neder for this purpose, but may not make a shevuah for this purpose. **B" H** say even a shevuah may be made.
- **B" S** say the neder may only be made if it is demanded from the murderer, etc., and may not be offered without that demand. **B" H** say he may even offer to make the neder without being demanded to do so.
- **B" S** say the neder may only be made with regard to the item demanded by them to be the subject of the vow. **B" H** say that other items may be added as well.
  - This can be illustrated as follows. If the murderer tells the person to make a neder that his wife will be assur to benefit from him if these items are not terumah, and the person thereby makes a neder that his wife and children should be assur to benefit from him if the items are not terumah, **B" S** would say that the neder would not be effective with regard to his wife, but would be effective with regard to his children. **B" H** would say that the neder is not effective for the wife or the children.

#### GEMARA

- **Q: Shmuel** has said that "dina d'malchusa dina" (we must follow the law of the land), so how can we make a neder to avoid the collection of taxes!? **A: R' Chinina in the name of R' Kahana in the name of Shmuel** said, the Mishna is discussing a tax collector who has no limit on what he may assess and collect. This type of collection need not be adhered to. **R' Yanai** said the Mishna is referring to a tax collector who is self-appointed, not with authority of the king.

#### SHEHEIN SHEL BEIS HAMELECH...

- **Q:** What is the neder that he makes? **A: R' Amram in the name of Rav** explained, he makes a neder that all the fruit in the world should be assur to him if the items do not belong to the king.
  - **Q:** That would make the fruits assur forever!? **A:** He says "they should be assur today".
    - **Q:** If he only says "today", the thief will not accept that as sufficient!? **A:** He says "today" in his heart, but not with his mouth. Although we typically say that the unspoken word has no effect, in a case of onsin like this, it does.

#### B" S OMRIM BAKOL...

- **Q: R' Huna** said, a Braisa says, **B" S** say a person may not initiate a shevuah in this case without being demanded to do so by the thief, and **B" H** say he may even initiate making the shevuah. The Braisa suggests that **B" S** would allow him to initiate a neder, however in our Mishna they say that he may not initiate a neder!? Also, the Braisa suggests that he may not initiate a shevuah according to **B" S**, but that he could make one upon demand. However, in our Mishna they say that a shevuah like this may not be made at all!? **A:** Our Mishna talks in terms of neder to teach the extent of the view of **B" S**, and the Braisa talks in terms of a shevuah to teach the extent of the view of **B" H**. Therefore, no inference should be made from the Braisa. **A2: R' Ashi** said, the Braisa is not discussing initiating a shevuah. It is actually referring to annulment of a shevuah, and teaches that **B" S** hold that a shevuah may never be annulled, whereas **B" H** say that a shevuah may be annulled.

## MISHNA

- If a person says, “these trees should be hekdesch if they do not fall down”, or “this talis should be hekdesch if it is not burned”, they must be redeemed (if they do not fall or it is not burned).
- If he says, “these trees should be hekdesch until they fall”, or “this talis should be hekdesch until it is burned”, they are not redeemed.

## GEMARA

- **Q:** Why does the first part of the Mishna say that they must be redeemed instead of simply saying “they are hekdesch”? **A:** Since the end of the Mishna needs to say “they are not redeemed”, the first part of the Mishna also talks in terms of redemption.
- **Q:** How is this neder made? **A: Ameimar** said, he says “these trees should be hekdesch if they do not fall today”.
  - **Q:** That should be obvious that they become hekdesch in that case!? **A:** The case is that there is a strong wind blowing that day that he makes the neder. The Mishna teaches that although the neder was made because he thinks the wind will make the trees fall today (and not become hekdesch), if the trees don’t end up falling, they do become hekdesch. The same would be regarding the talis, and the Mishna is discussing where a fire was raging and he made a neder to make it hekdesch if the talis is not burned. We would think that he makes the neder only because he thinks the trees and the talis will not be saved. The Mishna teaches that the neder is effective.