



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

Nedarim Daf Samach Hey

- A Braisa says, if one makes a neder to in some way benefit a friend, the neder may only be annulled in the presence of the friend.
 - **R' Nachman** said, we learn this from Moshe, where the extra word of "Go" in the pasuk teaches that Hashem told Moshe to annul his neder in Midyan by Yisro, since the neder was made for the benefit of Yisro (that Moshe will not leave Midyan). We know that Moshe had made a neder because the pasuk uses the word "Vayoeil", which means a neder, as we see that the word "alah" used by Tzidkiyahu means that he made a neder to Nevuchadnetzar.
 - The neder of Tzidkiyahu happened when he saw Nevuchadnetzar eating a live rabbit, which would have been very embarrassing for people to find out about. Nevuchadnetzar therefore made him promise that he would not tell anybody about what he saw. Later, Tzidkiyahu wanted to tell people, with the hope that it would remove Nevuchadnetzar from power. He therefore went to the Sanhedrin and had the neder annulled. When Nevuchadnetzar heard that he was telling people about what he saw he asked him how he can go back on a neder! Tzidkiyahu responded that he had the neder annulled. When he questioned the Sanhedrin about this, they confirmed that they have the power to annul nedarim. He asked them, are you allowed to annul a neder when the person who benefits from the neder is not present!? They told him that it is only when he is present. When Nevuchadnetzar heard this, he had the cushions removed from under the Sanhedrin and forced them to sit on the ground.

MISHNA

- **R' Meir** says that there are some things that are like "nolad", but are not quite nolad and may therefore be used as an opening to annul a neder. The **Chachomim** did not agree with him.
 - The Mishna gives examples. If a person makes a neder not to marry a particular woman because her father is evil, and they then tell him that the father has died or that he has repented, or if one makes a neder not to enter a particular house because there is an evil dog or snake inside, and they then tell him that the dog died or the snake was killed, these cases are like nolad but not quite like nolad, and they therefore make the nedarim null and void. The **Chachomim** did not agree with this.

GEMARA

- **Q:** If the father died, that is certainly a new development (nolad) and should not render the neder ineffective!? **A: R' Huna** said, **R Meir** holds that since he specifically said that his problem is the girl's father, it is almost as if he made the neder dependent on that reason, and when the father is no longer in the picture the neder becomes automatically annulled. Therefore, the new fact is not being used as an opening. **A2: R' Yochanan** said, the case is where he is told that the father died or did teshuva before the neder was made. Therefore, it is not a fact that came about after the neder was made. The neder was made under a mistaken premise and was therefore never effective to begin with.
 - **Q: R' Abba** asked, the Mishna later says, if one makes a neder not to marry a particular woman because she is not pretty, or she is too dark, or too short, and it turns out that she has none of these issues, he is allowed to marry this woman, because the neder was made on a mistaken basis. Now, according to **R' Huna** we can say that the earlier Mishna (our Mishna) teaches the case where he makes his neder dependent on

something, and this later part discusses a neder made on a mistaken basis. However, according to **R' Yochanan** the earlier Mishna already discusses a neder on a mistaken basis, so why would the later Mishna teach the same thing!? **KASHYEH**.

MISHNA

- **R' Meir** also said that we use an opening from the Torah to annul a neder for a person. We say to him, had you known that by making the neder to prevent someone from benefitting from you, you would be oiver for the lav of "lo sikom" and "lo sitor" and "lo sisna es achicha bilvavecha" and "v'ahavta l'rei'acha kamocho", or that you would be oiver the mitzvah of "v'chei achicha imach" if the person is poor and you now can't support him based on the neder, would you have made the neder? If he says, had I known this I would never have made the neder, it is mutar and the neder may be annulled.

GEMARA

- **Q: R' Huna bar R' Katina** asked **Rabbah**, why is it that a person can be said to be obligated to support a particular poor person? Why can't he say that the obligation rests on all Yidden, and I will give money to the general collection fund along with everybody else, thereby not violating my neder and not violating the obligation to support the poor person!? **A:** He answered, when a person becomes poor, he is first supposed to try and be supported by his friends and family. If that is not available, he then turns to the communal fund. Therefore, if the person who is the subject of the neder is a friend or family to the one who made the neder, the obligation to support him does first fall on the one made the neder, and only afterwards falls on the community as a whole.

MISHNA

- We may use the financial obligation of a kesubah as an opening to annul a neder.
 - It once happened that a person made a neder prohibiting benefit from his wife (which would require him to divorce her, because he could then not fulfill his onah obligation), and his wife had a kesubah of 400 dinar. This person went to **R' Akiva**, who obligated him to pay the full amount. The person said to **R' Akiva**, my father left an inheritance of 800 dinars. My brother took half of that and I took the other 400. Shouldn't it be enough for her to get 200 and leave me with the other 200 dinars!? **R' Akiva** told him, you must give her the full amount even if you must sell the hair from your head to raise the money! The person then said, had I known that this is so, I would never have made this neder. When **R' Akiva** heard that, he annulled the neder.

GEMARA

- **Q:** Moveable items, such as the coins of the inheritance, are not pledged for a kesubah obligation!? **A: Abaye** said, the inheritance was actually land worth 800 dinars, and land is pledged for a kesubah.
 - **Q: R' Akiva** said that even the hair of his head would be obligated for the kesubah!? **A: R' Akiva** was saying, you must give the full amount of your land, even if that would leave you with absolutely nothing and you would then have to sell your hair to have money to live.
 - **Q:** Shall we say that based on this we see that Beis Din does not assess a debtor to see how much he can pay while still retaining enough to live? **A: R' Nachman the son of R' Yitzchak** said, it may be that **R' Akiva** would allow him to keep some money to live. **R' Akiva** meant to say that after a partial payment we would not rip up the document. Rather, the woman would hold onto it, and would use it to collect the remaining payment when the debtor has more money.