



Daf In Review – Weekly Chazarah

Maseches Nedarim, Daf נ"ג – Daf כ"ג

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf נ"ג---18-----

- **Q: R' Hamnuna** asked, a Braisa says, the pasuk of “nazir l'hazir” teaches that one nezirus can take effect upon another nezirus. We would think that since a shevuah (which is more stringent) cannot take effect on another shevuah, then surely nezirus cannot take effect on another nezirus. The pasuk therefore teaches that it does. Now, the Braisa can't be referring to where he said I am hereby a nazir today and then said I am hereby a nazir tomorrow, because we wouldn't need a pasuk to say that the second nezirus takes effect in that case (since it goes one day longer than the first). The case must be where he says I am hereby a nazir today and then repeats I am hereby a nazir today. This refutes **R' Huna!**? **A:** The Braisa can be referring to where he accepted both nezirus simultaneously.
 - **Q:** What is the chumra of shevuah over neder? It can't be based on that a shevuah can take effect on a matter with no substance, because neder also has a chumra that it takes effect even when it prevents one from doing a mitzvah!? **A:** The chumra is that the pasuk regarding shevuah says “lo yinakeh”, which teaches that a person is not forgiven when he makes a shevuah in vain.

SHEVUAH SHELO OCHAL SHEVUAH SHELO OCHAL V'ACHAL EINO CHAYUV ELAH ACHAS

- **Rava** said, if the person has the first shevuah annulled, the second shevuah takes effect at that time. We see this from the Mishna which says “he is chayuv only for one” which suggests that the other shevuah is “hanging” there and falls into place when the first one is annulled.
 - **Another version** said that the Mishna seems to say there is no chiyuv for the second shevuah, but that it does exist. This follows **Rava** who says that if the first shevuah is annulled, the second one falls into effect.
 - We can bring another proof to this from a Braisa. The Braisa says, if someone accepted 2 nezirus, observed the first one, separated animals for the korbanos to be brought at the completion of the first nezirus period, and then had the first one annulled, the second nezirus has been fulfilled with the previous observance. We see that that second neder falls into place upon annulment of the first one.
 - The Gemara says this is no proof, because the Braisa may be discussing where the 2 nezirus were accepted simultaneously.

MISHNA

- A “stam” neder (it is unclear what is meant by the neder) is treated stringently. The explanation given to a neder by the one who made the neder is accepted even if it creates a leniency. The Mishna now gives examples:
 - If someone says, this is to me like salty meat or like “yayin nesech” – if he was referring to meat and wine of a shelamim, he has created a neder. If he was referring to meat and wine of avodah zarah, no neder is created. If he did not specify, we go l'chumra.
 - If he says, this is to me like a cheirem – if he was referring to cheirem of hekdeshe he creates a neder. If he was referring to cheirem of Kohanim there is no neder. If it was stam, we go l'chumra.
 - If he says, this is to me like maaser – if he was referring to animal maaser he has created a neder. If he was referring to maaser of produce, no neder is created. If it was stam, we go l'chumra.
 - If he says, this is to me like terumah – if he was referring to the terumas halishka (which is money of hekdeshe) he has created a neder. If he was referring to terumah of produce, no neder is created. If it was stam, we go l'chumra. This is the view of **R' Meir**.
 - **R' Yehuda** says that stam terumah in Yehuda would be assur as a neder (they refer to the terumas halishka) and in the Galil would be mutar (they are not familiar with the terumas halishka).

Daf In Review – Weekly Chazarah

- With regard to stam cheirem, in Yehuda no neder would be created, but in the Galil a neder is created (in the Galil they were not familiar with cheirem of the Kohanim).

GEMARA

- **Q:** A Mishna says that we are lenient with a safek nezirus, so how could our Mishna say we go l'chumra by a stam neder? **A:** **R' Zeira** said, that Mishna follows **R' Elazar** and our Mishna follows the **Rabanan** of the following Braisa. The Braisa says, if a person said he is giving all his beheimos or all his chayos to hekdesh, he must give any "kvi" (an animal that is a safek whether it is a beheimah or a chaya) to hekdesh as well. **R' Elazar** says that he need not give his kvi to hekdesh. Based on this we can say that the **Rabanan** (the **T"K**) hold that just as a person means to subject his money to a promise even in a case of safek, he does the same when he promises about his own body (e.g. a nazir, and therefore nezirus and other nedarim take effect even when they are stam). **R' Elazar** holds that just as one doesn't subject his money to a promise in a situation of safek, he will also not subject his body to a promise in a situation of safek.

-----Daf ט"ט-----19-----

- **Q:** **R' Zeira** had just said that the Mishna that says we are lenient regarding a questionable nezirus follows **R' Elazar** (whereas our Mishna which is machmir by nedarim follows the **Rabanan**). **Abaye** now asks, that same Mishna then says that a questionable bechor need not be given to a Kohen, but the bechor remains assur to have its wool sheered or work done with it. We see that the safek is treated stringently, so how can we say the Mishna follows **R' Elazar** who is lenient regarding a safek!? **A:** **R' Zeira** said, the case of nazir and bechor are very different, because nazir is something created by a person whereas a bechor is born with kedusha.
 - **Q:** We find that **R' Elazar** holds like **R' Meir** in a Braisa and says that if there is a safek whether liquids are tamei, we are machmir and consider them tamei. However, we are meikel and will not consider them tamei in the sense to make something else tamei. However, **R' Elazar** says in a Braisa that liquids cannot become tamei D'Oraisa (so why would he be machmir in the first Braisa)!? **A:** Based on this we cannot say that **R' Elazar** is the Tanna of the Mishna that says that we are meikel by a safek nezirus. We must say that that Mishna follows the view of **R' Yehuda**, and our Mishna (which says we are machmir by nedarim) follows the view of **R' Shimon**. We find them to argue in a Braisa. The Braisa says, if a person says "I am hereby a nazir if there are 100 kor of produce in this pile", and the pile is gone before they are able to measure, **R' Yehuda** says he is not a nazir and **R' Shimon** says that he is.
 - **Q:** How can we say that **R' Yehuda** says that a person does not intend to effectuate a neder when it is a safek? In our Mishna **R' Yehuda** said that when one in the Galil says something should be assur as terumah it is not assur as a neder, because he means to refer to the terumah of produce, since they are unfamiliar with the terumah of the lishka. This suggests that if they were familiar, we would go l'chumra and say that the neder takes effect even though it is a safek!? **A:** **Rava** said, **R' Yehuda** really holds that one intends for the neder to take effect even in a safek. However, in the case of the pile of produce that went missing, the reason why he says the nezirus does not take effect there is because a nazir out of doubt is in a more difficult position than a regular nazir (and a person would therefore not mean to place himself into such a safek), because the safek nazir cannot bring the korban chatas and then cut his hair, thus making him remain a nazir forever.
 - **Q:** **R' Huna bar Yehuda** asked, what about a case where one promised to be a nazir forever if the pile had 100 kor? In that case a safek nazir is not worse off, so why would he not become a nazir? **A:** **Rava** said, he is worse off, because a regular permanent nazir may decide to bring the korbanos and cut his hair, and then begin nezirus again. A safek could not do that.
 - **Q:** What about if he promised to be a "nazir Shimshon", who may never cut his hair? **A:** The Braisa is not discussing that case.

Daf In Review – Weekly Chazarah

- **Q:** We find that **R' Adda bar Ahava** said that there is a Braisa where **R' Yehuda** is meikel even when one promised to be a nazir Shimshon!? **A:** **Rava** said, if so then **R' Yehuda** of the second Braisa cannot be explained. **A2:** **R' Ashi** said, the shita of **R' Yehuda** in this Braisa which says that we are even meikel by a nazir Shimshon is actually the shita of **R' Yehuda in the name of R' Tarfon**, who says that a person does not become a nazir until his statement of accepting nezirus is 100% clear and certain at the time the statement is made.

R' YEHUDA OMER STAM TERUMAH B'YEHUDA...

- **Q:** This suggests that if the people of the Galil would be familiar with terumas halishka the neder would take effect, and the safek would be dealt with l'chumra. However, the next part of the Mishna suggests that if the people of the Galil would be familiar with the cheirem of Kohanim it would not create a neder if they said "cheirem". This means that we would be meikel for the safek!? **A:** **Abaye** said, the last case of the Mishna (of cheirem) is actually the view of **R' Elazar the son of R' Tzadok**, as we see clearly in a Braisa. Therefore it is not a self-contradiction.

-----Daf 20-----

MISHNA

- If a person made a neder by using the term "cheirem" and then said that he was referring to the "cheirem" of the sea (a fishing net), he is believed.
- If a person made a neder by using the term "korbon" and then said that he was referring to the "offering" for a king, he is believed.
- If a person said "I ("atzmi") am hereby a korbon" and then said he was referring to a bone ("etzem"), he is believed.
- If a person said "konam my wife from benefitting from me" and then said he was referring to a wife he had previously divorced, he is believed.
- **R' Meir** says, regarding all the above cases, the neder does not need to be annulled. If they tried to have them annulled, we punish them and are machmir with them. The **Chachomim** say we find them a basis for annulling the neder from elsewhere, and we teach them to observe these nedarim so that they not get used to treating nedarim lightly.

GEMARA

- **Q:** The Mishna says they don't need to be annulled and then says that if they are annulled they are punished and treated stringently!? This seems contradictory!? **A:** **R' Yehuda** said, the Mishna means that a talmid chochom who made any of these statements need not have them annulled. However, if an ahm haaretz did, and now asks to have them annulled, we punish him and treat him stringently.
 - **Q:** We understand that we are machmir with them by not allowing simple regret as a basis for the annulment. In what way do we punish them? **A:** We punish them by not allowing an annulment until they have observed the neder for as many days as they have violated it.

VACHACHOMIM OMRIM POSCHIN LO PESACH...

- A Braisa says, a person should not get used to making nedarim, because it will lead him to ultimately transgress the laws of shavuos. A person should not frequent ahm haaratzim, because it will lead him to ultimately eat tevel. A person should not frequent kohanim who are ahm haaratzim, because it will lead him to ultimately eat terumah. A person should not speak a lot with women, because it will lead to znus.
 - **R' Acha the son of R' Yoshiya** says, whoever looks at women will ultimately sin. Whoever looks at the heels of women will have improper children.
 - **R' Yosef** said, this even refers to one's own wife who is a niddah. **Reish Lakish** said the "heel" refers to her private parts.

Daf In Review – Weekly Chazarah

- A Braisa says, the pasuk says that the “awe of Hashem should be on your faces”. This refers to shame, which leads to fear of sin. Shame is a good sign for one who possesses it.
- **R’ Yochanan ben Dahavai** said, the Malachim told me 4 things: people are lame because their parents had tashmish in an improper way, people are mute because their parents kissed parts of the body that they should not, people are deaf because their parents spoke during tashmish, and people are blind because their parents looked at the private areas on the body.
 - Although we find that it is permissible to talk during tashmish, that is only regarding matters necessary for the tashmish.
 - **R’ Yochanan** argues on **R’ Yochanan ben Dahavai** and says that the **Chachomim** say that a person may have tashmish with his wife in any manner that they would like.
 - **Ameimar** said, it must be that the “Malachim” that he heard it from were actually **Rabanan** that he called with the term Malachim, because if they were true Malachim, **R’ Yochanan** would not have argued with them.
- **Rebbi** darshens the pasuk of “v’lo sasuru acharei l’vavchem” to teach that a person should not have in mind any other woman while having tashmish with his wife. **Ravina** explains, **Rebbi** means that even if one has 2 wives, he should only have in mind the one that he is having tashmish with.
- **R’ Levi** darshens a pasuk to teach that there are 9 circumstances (forms of tashmish) that cause children to rebel: 1) tashmish done out of fear for the husband or when forced, 2) children of a hated wife, 3) children of a man in cheirem, 4) children born from a tashmish where the father thought he was with a different one of his wives, 5) born from tashmish during a fight, 6) from tashmish while he is drunk, 7) from tashmish when he already decided to divorce her, 8) a child whose mother had tashmish with many men and therefore doesn’t know who the father is, and 9) tashmish that is unabashedly demanded by the wife.
 - **Q:** We have learned that **R’ Shmuel bar Nachmeini in the name of R’ Yonason** said that a woman who gets her husband to have tashmish with her is zoche to have tremendously unique and special children!? **A:** That is when she creates desire in him, but not when she asks for it outright (that is improper).

HADRAN ALACH PEREK V’EILU MUTARIN!!!

-----Daf כג-----21-----

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”,

Daf In Review – Weekly Chazarah

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).

-----Daf כב--22-----

- The Gemara says, we do not annul a neder like **R' Gamliel** did when he annulled a vow after explaining to a person how bad it is to make a neder (based on a pasuk) and the person thereafter saying, had he known, he never would have made the neder.
- The Gemara says we also do not annul a neder by someone regretting having made the neder after hearing the Braisa where **R' Nosson** says that one who makes a neder is as if he built a bamah and one who observes the neder (doesn't have it annulled) is as if he brought a korbon on that bamah. Although there is a machlokes

Daf In Review – Weekly Chazarah

between **Abaye and Rava** whether it is one or both of these statements that cannot serve as the basis for an annulment, the Gemara paskens that neither can be used.

- The Gemara says we also do not annul a neder by someone regretting having made the neder after hearing that **Shmuel** darshened a pasuk to teach that a person who makes a neder is called a rasha, even if he keeps the neder and doesn't transgress it.
- **R' Shmuel bar Nachmeini in the name of R' Yonason** darshened a pasuk to teach that one who gets angry is subject to all forms of Gehenom, and will suffer from hemorrhoids.
 - When **Ulla** travelled to Eretz Yisrael he travelled along with 2 other Yidden. One of them got angry at the other and killed him. **Ulla** was afraid that the killer would then turn on him, so he told the murderer that he was right for killing that other person. **R' Yochanan** later told **Ulla** that he was right for telling the killer that, because it probably saved his life. However, **R' Yochanan** was bothered because the pasuk (used in the drasha above) says that people will be angry outside of Eretz Yisrael, and **Ulla** was travelling in Eretz Yisrael!? **Ulla** told him, this story took place before they crossed over the Yarden, and were therefore still outside of Eretz Yisrael.
 - **Rabbah bar R' Huna** said, when a person is angry he doesn't even think of Hashem at that time. **R' Yirmiya M'Difti** said, anger makes a person forget his learning and increases foolishness. **R' Nachman bar Yitzchak** said, if a person is angry it shows that he has more aveiros than mitzvos. **R' Adda the son of R' Chanina** said, if the Yidden would not have sinned, we would only have the 5 chumashim and Sefer Yehoshua (which describes how to divide Eretz Yisrael). The other sifrei Tanach deal with the mussar and reaction to the aveiros of the Yidden.
- **R' Assi** said, we do not busy ourselves to annul a shevuah (only a neder), except if one made a shevuah preventing his wife from benefitting from him and the shevuah was based on a mistaken premise (for shalom bayis and because it was based on a mistaken premise we do annul it).
 - We find that **R' Assi** (the Amora) refused to annul a shevuah that was made "in the Name of Hashem", but would have annulled a shevuah if it was made using another term.
 - We find that **R' Yosef** also said that when one makes a shevuah "in the Name of Hashem" it cannot be annulled.
 - **Rava in the name of R' Nachman** paskened that we do annul a neder based on regret, and that we do try to annul a shevuah even if it was made "in the Name of Hashem".
- **R' Sechora** went to **R' Nachman** to annul a neder. To each attempt at annulment that **R' Nachman** tried to use, **R' Sechora** said he would have made the neder knowing that and therefore it can't be used for annulment. **R' Nachman** became angry with **R' Sechora**. When that happened, **R' Sechora** said "had I known that my neder would cause **R' Nachman** to become angry with me I never would have made the neder", and based on that he annulled the neder for himself.
 - **R' Shimon the son of Rebbi** had a similar story where he went to the **Rabanan** to annul a neder and was unsuccessful in doing so. When he saw how much time and bother the **Rabanan** put themselves through he said "had I known that my neder would put the **Rabanan** through so much, I would not have made the neder", and with that he annulled his neder.
 - **R' Yishmael the son of R' Yose** had a similar story, where after the attempted and unsuccessful annulments a launderer began hitting him for bothering the **Rabanan**. He then said, "had I known that my neder would lead me to get beaten I would never have made the neder", and with that he annulled his neder.
 - **Q: R' Acha M'Difti** asked **Ravina**, that (getting beaten) is a brand new set of circumstances that did not exist at the time of the neder, and as such cannot be used for annulment!? **A: Ravina** answered, it is normal for people of low status (like the launderer) to use any excuse to beat the **Rabanan**, and therefore this existed at the time of the neder as well.

Daf In Review – Weekly Chazarah

- **Abaye's** wife had a daughter. She wanted to marry her daughter off to her family, and **Abaye** wanted to marry her off to his family. **Abaye** made a neder that his wife should be assur to benefit from him if she marries her daughter off to her family. Ultimately, she did marry her off to her family. **Abaye** went to **R' Yosef** seeking annulment of the neder. **R' Yosef** asked him, if you would have known that she would disobey you, would you have made the neder? **Abaye** said he would not have done so, and based on that **R' Yosef** annulled the neder.
 - The Gemara quotes a Braisa in which **R' Yosef** annulled a vow based on the same basis.

MISHNA

- **R' Eliezer ben Yaakov** says, also someone who wants to make a neder to pressure his friend to eat by him, should say "Any neder that I make in the future should be null and void". This statement is effective as long as he remembers making this at the time of the neder.

GEMARA

- **Q:** If the person he is trying to convince hears him make that statement, he knows the neder is ineffective, so how does he intend to pressure him? **A:** The Mishna is missing words and should be understood as follows – If someone wants to pressure his friend to eat by him, the neder would be considered a neder of zeiruzin and would not be effective; also, someone who wants all his future nedarim of the year to be ineffective, he should make a statement on Rosh Hashanah that all future nedarim should be batel, and they will be batel as long as he remembers the statement at the time that he makes the neder.
 - **Q:** If he remembers the statement and makes a neder anyway, it is as if he is intentionally dismissing the condition and making the neder effective anyway!? **A:** **Abaye** said, the Mishna should read "as long as he does *not* remember the statement at the time that he makes the neder". **A2:** **Rava** said, the case is where he made this statement only in regard to certain nedarim and he later forgot with regard to what neder he made the statement. Later in the year as he makes a neder, if he remembers that he made a statement, but is unsure whether this current neder was the subject of the statement, and he makes the neder subject to the statement, and he later remembers that this neder was covered by the statement, then the neder is batel based on the statement. If he makes the neder and doesn't say that it should be subject to the statement, the neder will be effective even against the statement.
 - **R' Huna bar Chinina** wanted to teach in public this method of making future nedarim null and void. **Rava** said, the Tanna purposely didn't teach this clearly in the Mishna so as not to lead people to treat nedarim lightly. Therefore you should not go ahead and teach this publicly to the masses.

-----Daf 7D---24-----

- **Q:** Do the **Rabanan** argue on **R' Eliezer ben Yaakov** and say that when the inviter makes a neder it does not become batul as a neder of zeiruzin or do they agree with him that it is batul? **Q2:** If they argue with him, who does the Halacha follow?
 - There is a Mishna that says, if a person tells his friend "I make a neder not to benefit from you if you don't accept a gift of a kor of wheat and 2 barrels of wine for your son", that neder can be annulled even without a chochom, because the friend can respond, "you want to give me these gifts to honor me, however, my non-acceptance is itself an honor". Now, this seems to say that if not for the fact that the friend can respond "my refusal is my honor", the neder would be effective. The Mishna can't follow **R' Eliezer ben Yaakov**, because he would say this was a neder of zeiruzin and would anyway not be effective. It must be that the Mishna follows the **Rabanan**, and we see that the **Rabanan** argue with **R' Eliezer ben Yaakov**.
 - It may be that the Mishna follows **R' Eliezer ben Yaakov**, and he would agree that the neder would be effective in this case, because the person made that promise so that he should not always be on the "taking" end, but should rather be a "giver" as well. For that reason it was not a neder of zeiruzin and is effective.

Daf In Review – Weekly Chazarah

- That Mishna then says, if a person says to his friend “I make a neder that you are assur to benefit from me if you don’t give a kor of wheat and 2 barrels of wine to my son”, **R’ Meir** says the neder is effective, and the **Rabanan** say that it is ineffective, because the person can say “it is as if I have received the gift from you” and in that way remove the neder. Now, this seems to say that if not for the fact that the friend can respond “it is as if I have received the gift from you”, the neder would be effective. The Mishna can’t follow **R’ Eliezer ben Yaakov**, because he would say this was a neder of zeiruzin and would anyway not be effective. It must be that the Mishna follows the **Rabanan**, and we see that the **Rabanan** argue with **R’ Eliezer ben Yaakov**.
 - It may be that the Mishna follows **R’ Eliezer ben Yaakov**, and he would agree that the neder would be effective in this case, because the person made that promise so that he should not always be on the “giving” end, but should rather be a “taker” as well. For that reason it was not a neder of zeiruzin and is effective.
- **Mar Kashisha the son of R’ Chisda** said to **R’ Ashi**, we can bring a proof from a Mishna. The Mishna explains “nidrei onsin” to be where a person made a neder against his friend if he doesn’t come to eat by him, and the friend was prevented from going to eat by him because the friend was sick, or there was a flood, etc. The neder is not effective, because it is a neder of onsin. Now, this seems to say that if not for the fact that it is a neder of onsin the neder would be effective. The Mishna can’t follow **R’ Eliezer ben Yaakov**, because he would say this was a neder of zeiruzin and would anyway not be effective. It must be that the Mishna follows the **Rabanan**, and we see that the **Rabanan** argue with **R’ Eliezer ben Yaakov**.
 - It may be that the Mishna follows **R’ Eliezer ben Yaakov**. The case in this Mishna is where the friend was pressuring the person to be given an invitation to a meal, and when the person agreed to invite him, the friend asked the person to make a neder if the friend doesn’t end up showing up for the meal. This is not a case of zeiruzin (since the person was not trying to persuade the friend to come) and therefore it would be effective, if it was not a case of oneis.
- We have learned, furthermore, **R’ Eliezer ben Yaakov** says, if a person says to his friend “I make a neder not to benefit from you if you don’t come to eat by me, and eat hot bread and a hot drink” and the friend doesn’t come, this is a neder of zeiruzin, however the **Rabanan** do not agree with him. Presumably this means that the **Rabanan** disagree with him regarding the first case as well (this case is said as “furthermore”, referring to an addition to the case of the Mishna). We have proof that the **Rabanan** do argue on **R’ Eliezer ben Yaakov**.
- With regard to how we pasken, we find that **R’ Huna** and **R’ Ada bar Ahava** both paskened like **R’ Eliezer ben Yaakov**.

MISHNA

- A neder of “havai” (i.e. exaggeration) would be where someone says “this items should be assur to me with a neder if I did not see 600,000 people on this road” or if he says “... if I did not see a snake like the beam of an olive press”.

GEMARA

- A Braisa says, a neder of havai is not effective, but a shevuah of havai is effective.
 - **Q:** What is the case of a shevuah of havai? It can’t be where he says “I make a shevuah if I did not see 600,000 people”, because he has truly made no shevuah, since he did not mention what would become assur!? **A:** The case is where he says “I make a shevuah that I saw 600,000 people”.
 - **Q:** **Rava** asked, it is obvious that since he didn’t see 600,000 people the shevuah will make him assur!? What is the Braisa teaching us? Also, this explanation is different than the case of neder of havai, and it should really be similar since the Braisa compares the two!? **A:** Rather, **Rava** said, the case of shevua of havai is where a person says “All the fruit of the world should be assur to me through a shevuah if I didn’t see 600,000 people on this road”. The Braisa is teaching that the **Rabanan** were machmir and considered this to be a shevuah. Although it is common for

Daf In Review – Weekly Chazarah

people to exaggerate, we only allow that as an excuse by nedarim. By shevuos we require people to be very deliberate in their wording.

- **Q: Ravina** asked **R' Ashi**, maybe the person actually saw 600,000 ants, and that is what he meant when he said that he saw “like the number that left Mitzrayim”, in which case it was a valid shevuah (it was meant literally)!? **A: R' Ashi** said, when a person swears his verbiage is given the meaning that is common to popular understanding. Therefore we do not say that he was referring to ants, but was rather referring to people.