

OVERVIEW of the Daf

1) Clarifying the Mishnah

The Gemara deflects the challenge to R' Huna's explanation of the Mishnah that one nezirus takes effect upon another only when the second nezirus adds at least an additional day.

R' Hamnuna unsuccessfully challenges R' Huna's explanation.

The Gemara explains what the Beraisa meant when it declared that שבועות are more strict than נדריים.

2) Two oaths (שבועות)

Rava asserts that although the second oath does not take effect upon the first if the first oath is annulled the second oath will take effect.

An alternative version of this teaching is presented.

A Beraisa is cited as proof to this assertion.

The Gemara rejects this Beraisa as proof to Rava's explanation.

3) MISHNAH: The Mishnah teaches that undefined nedarim are treated stringently whereas their interpretations are lenient. After citing four examples of the ruling related to undefined nedarim the Mishnah presents two additional opinions related to undefined declarations.

4) Undefined nedarim

The Mishnah's ruling that undefined nedarim are treated stringently is challenged from a Beraisa's ruling that undefined nezirus are treated leniently.

R' Zeira resolves the contradiction between the two sources by distinguishing between the positions of R' Elazar and Rabanan, who disagree whether a person would subject his property to a prohibition in a case of doubt. ■

REVIEW and Remember

1. What is the source that one nezirus could take effect upon another nezirus?

2. If a person takes two oaths, is the second oath completely null and void?

3. Explain the principle סתם נדריים להחמיר להקל.

4. What is the point of dispute between R' Elazar and Rabanan?

Distinctive INSIGHT

Specifying a leniency of a neder

סתם נדריים להחמיר ופירושים להקל

The Rosh explains that the reason why a typical oath is interpreted strictly is that the mind set of a person making such a statement is to prohibit and restrict the item from himself. If he meant for his words to be understood leniently and for the item to be permitted, he would have just been silent in the first place. The Mishnah teaches us that although an oath will be interpreted stringently if it is left without clarification, if the speaker does explain what he meant, we can accept his explanation as being truthful.

Some Rishonim write that the clarification provided by the speaker must be at the moment the oath is originally uttered. Tosafos questions this approach, and he cites Rabbeinu Tam who says that we are dealing with a case where the person simply said "כבשר מליח"—this should be as salted meat," and he did not specify at that time what he meant. Later, we ask the person if he meant meat of an offering for Hashem, and his neder is valid, or if he meant meat of an idolatrous offering, and the neder is not valid. רבינו אברהם מן ההר adds that as long as the person either does not explain his words in a lenient manner, or if he says that he does not remember what his intentions were when he spoke, we treat the situation stringently.

The Shitta Mikubetzes writes in the name of רא"ם that the lesson of the Mishnah is that this one statement of the person began with a reference to "salted meat," which we would have assumed to refer to the meat of a קרבן, and the neder would be binding. However, the person then continued and added a clarification, saying, "of idolatry." We might have thought that the initial words he uttered indicated that the neder refers to a קרבן, and the neder is valid. The חידוש is that we nevertheless consider the clarifying words as overriding, and the entire statement as lenient. We do not worry that the person's words will now be meaningless, resulting in the neder's being null.

Keren Orah presents an inquiry regarding how to understand the stringency we apply to an oath when it is unspecified. Is this due to a doubt, and the result of the rule that any ספק דאורייתא is treated לחומרא, or is this a certainty, that the rules of neder are that it is to be interpreted stringently unless specified otherwise? Rosh, as we stated earlier, seems to suggest that the rule is a result of a certainty, as we determine that if the person wished for the item to be permitted, he would have been silent in the first place. This also seems to be the opinion of Rambam (Nedarim 9:4), who rules that the only case of a doubt where no lashes are administered is where one of two items was declared prohibited, but we do not know which it was. However, it seems that there would be lashes in a case of an unspecified neder. ■

HALACHAH Highlight

Vague vows

סתם נדרים להחמיר

Vague vows are treated stringently

Based on our Mishnah, Shulchan Aruch¹ rules that vague vows are treated stringently. Thus if a person declares, "These fruit are like salted meat or like a wine libation," his declaration is treated stringently. In other words, although his declaration could be understood as referring to idolatry, which would not produce a valid vow since idolatry is a prohibited item (דבר האסור) or it could be understood as a reference to korbanos, which would produce a valid vow since korbanos are vowed items (דבר הנדור) we will rule stringently and assume that he associated the fruit with korbanos since that will produce a valid vow. If, however, the person clarified that he intended to associate the fruit with idolatry his explanation is accepted and would not be bound by a vow. Aruch Hashulchan² explains that even if his clarification seems somewhat distant, nevertheless, if this is how he interprets his words we rely on his explanation.

Accordingly, Aruch Hashulchan³ inquires where the principle that "vague vows are treated stringently," will apply. If he doesn't ask for guidance and observes the restrictions of the vow then obviously his intent was to make a binding vow and if he does not observe his vow then obviously

his intention was for the prohibited item and there is no binding vow to observe. If he does make an inquiry whether he is bound by the restrictions of his vow we will obviously ask him about his intent and will rule according to his intent. What then are the circumstances in which this principle will be invoked? Shach⁴ writes that the principle applies when the vower does not, for whatever reason, clarify his intent and we are forced to interpret his words for him. Aruch Hashulchan⁵ suggests that the principle applies when the vower comes to Beis Din for guidance and Beis Din does not ask him his intent; rather it is assumed that he intended to make a binding vow. If, however, he protests and claims that he intended something else his claim will be accepted.

Aruch Hashulchan⁶ further explains that this principle applies only when the question is whether he made a binding vow or not but if it is clear that he made a binding vow and the uncertainty relates to another detail of the vow it will not automatically be treated stringently. ■

1. שו"ע יו"ד סי' ר"ח סעי' א'
2. ערוה"ש שם סעי' ב'
3. ערוה"ש שם
4. ש"ף שם סק"א
5. ערוה"ש שם
6. ערוה"ש שם סעי' ה' ■

STORIES Off the Daf

Rosh Hashanah regrets

סתם נדרים להחמיר

A certain man was feeling a bit sick. Although he was certainly in no danger, he was unable to go to shul. Since it was Rosh Hashanah this was quite disappointing to him. Nevertheless, he was very determined to at least daven as nicely as he could and to wait to eat until after he finished his prayer and תקיעות.

His family was worried for his health and felt that he should eat immediately. He refused, but they kept begging him to hear the תקיעות and eat

immediately. Finally he couldn't stand their badgering any longer and he made a neder that he would not eat until the time when the tzibbur exits the beis medrash.

When the appointed time arrived this man suffered a significant disappointment. A Chacham had come to deliver a drashah. It was so spellbinding that virtually no one left the shul where he usually davened.

The man was quite weak and very hungry. Did he have to wait until the end of the speech? This question was asked of Rav Yaakov Reisher, zt"l, who responded, "The situation of a tzibbur having decided to leave but actually wound up staying is similar to the Gemara in Rosh Hashanah 30b. There,

the discussion revolves around a Beis Din that decided to adjourn but was delayed. Did their decision constitute adjournment or not? The Gemara concludes with a תיקו, a split decision. Our case is similar.

Rav Reisher continued, "In Nedarim 18 we find that although we are lenient regarding an unclear neder when the one who made the neder explains his meaning, when he himself is unsure his oath constitutes an unspecified neder regarding which we are stringent. However, don't allow the poor man to wait. He can surely be released by a Chacham even though it's Yom Tov since the annulment is for the sake of a mitzvah—eating his Yom Tov meal!" ■

