



Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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Unexpected Development

The *Gemora* relates an incident: Rabbi Yishmael the son of Rabbi Yosi had a *neder* that he wanted annulled. He came before the Rabbis. They asked him: Would you have made the *neder* if you had known this and this? He answered, “Yes.” They asked him: Would you have made the *neder* if you had known this and this? He answered, “Yes.” This happened a number of times. When a certain laundry man saw that the Rabbis were in a quandary, he hit Rabbi Yishmael with a launderers’ sprinkler. Rabbi Yishmael said: If I would have known that I would get hit, I would never have made the *neder*. Thereupon, he had the *neder* annulled.

Rav Acha from Difti asked Ravina: How could this have been a valid opening? Did we not learn in a *Mishnah* that we cannot use an unexpected development as an opening (*the basis of an opening is that if he would have considered this situation at the time of the neder, he would not have made it; however, an unexpected development, which could never have been anticipated at the time of the vow, cannot be a basis for annulment*)?

Ravina answered: This is not regarded as an unexpected development because it is common for scoffers to vex the Rabbis. (23a1)

Opening that Contradicts the Vow

The *Gemora* records another incident: Abaye’s wife had a daughter. Abaye wished that she should marry a relative of his and his wife wished that she should marry one of her relatives. Abaye made a *neder* that his wife should be

forbidden to derive pleasure from him if she would disregard his wishes and marry her off to her relative. She went anyway and married her to one of her relatives. Abaye went to Rav Yosef to annul his *neder*. Rav Yosef asked him: If you would have known that she would disregard your wishes, would you have made the *neder*? He answered, “No.” Thereupon, Rav Yosef annulled his *neder*.

The *Gemora* asks: Is it permitted to annul a *neder* in such a manner (*where the neder states precisely the opposite, since the essence of the neder was that if she would disregard his wishes, she should be forbidden to derive pleasure from him*)?

The *Gemora* answers: Yes! We can annul a *neder* in such a manner, for we learned in a *Baraisa*: A man once imposed a vow upon his wife not to go on pilgrimage (*to hear the festival lecture*), but she disregarded his wish, and went anyway. He went to Rabbi Yosi to *get* the *neder* annulled. Rabbi Yosi asked him: If you would have known that she would disregard your wishes, would you have made the *neder*? He answered, “No.” Thereupon, Rav Yosi annulled his *neder*. (23a1 – 23a2)

Mishnah

The *Mishnah* states: Rabbi Eliezer ben Yaakov says: One who wants to make a *neder* to coerce his friend to eat with him should say, “Any *neder* that I will say in the future shall be null.” And this disclaimer is effective if he remembers it at the time of his *neder*. (23a2)

Disclaimer

The *Gemora* asks: But once he said, “Any *neder* that I will say in the future shall be null,” his friend will not listen to him and will not come to eat with him (*assuming that he knows about the declaration*)?

The *Gemora* answers: It is as if there are words missing in the *Mishnah* and this is how it should be taught: If one wants his fellow to eat by him and the fellow refuses, and he (*the inviter*) then makes a *neder*, this is considered a motivational *neder* (*and is not valid*). And if one wishes that his *nedarim* should be ineffective for the entire year, he should stand up on Rosh Hashanah and say, “Any *neder* that I will say in the future shall be null.” And this disclaimer is effective if he remembers it at the time of his *neder*.

The *Gemora* asks: If he remembers his disclaimer and vows anyway, isn’t he revoking his stipulation and upholding his *neder*?

Abaye answers: The *Mishnah* should be emended to read: As long as he does not remember his disclaimer at the time of his *neder*.

Rava answers: There is no need to emend the *Mishnah*. We are discussing a case where he made the stipulation on Rosh Hashanah, but now, at the time of his *neder*, he doesn’t remember what he stipulated. If he says, “I am making this *neder* on the condition of my original stipulation,” his *neder* has no substance. If he did not say that, he is revoking his stipulation and upholding his *neder*.

Rav Huna bar Chinana wished to announce this method at a public lecture. Rava said: The *Tanna* intentionally obscured this method so people will not treat *nedarim* lightly, and you would go and announce this publicly? (23a2 – 23b2)

Quick Summary

* What did Rav Acha ask from “*nolad*”?

A sage is not permitted to annul a *neder* based on an unexpected development.

* What did Ravina answer him?

It is common for scoffers to vex the Rabbis.

* Can one make a disclaimer prior to uttering his *neder*?

Yes!

* Isn’t the *neder* revoking the disclaimer and upholding the *neder*?

Yes it is. The case is where he doesn’t remember the disclaimer.

INSIGHTS TO THE DAF

The Ra”n Elucidated

Why this is not a case of a “motivational *neder*” - Abaye’s wife had a daughter. Abaye wished that she should marry a relative of his and his wife wished that she should marry one of her relatives. Abaye made a *neder* that his wife should be forbidden to derive pleasure from him if she would disregard his wishes and marry her off to her relative. She went anyway and married her to one of her relatives. Abaye went to Rav Yosef to annul his *neder*. Rav Yosef asked him: If you would have known that she would disregard your wishes, would you have made the *neder*? He answered, “No.” Thereupon, Rav Yosef annulled his *neder*.

The *Gemora* asks: Is it permitted to annul a *neder* in such a manner (*where the neder states precisely the opposite, since the essence of the neder was that if she would*



disregard his wishes, she should be forbidden to derive pleasure from him)?

The Gemora answers: Yes! We can annul a *neder* in such a manner.

The Ran asks: Why would this case be any different than any motivational *neder*, where the *Mishnah* rules that they are automatically permitted?

There is a distinction between the cases. In the case of the *Mishnah*, the seller and the buyer did not actually mean what they said. The *neder* is therefore ineffective. Here, the man's intention was to forbid her if she would disregard his wishes. This is not called a motivational *neder*.

How many are needed to annul a *neder*? - One can get his *neder* annulled by means of a single expert or by three laymen if there is no expert. There is an Ammoraic dispute if one of the three is required to be ordained or not. The other two have to be capable of understanding if we explain it to them.

This is the opinion of the Ramban. The Rambam, however, maintains that one person can annul a *neder* even if he is not ordained. Three laymen are also able to annul a *neder* and they do not need to be ordained. They may annul a *neder* as long as they are capable of understanding when it is explained to them.

Three laymen can annul a *neder* only if there is no Chacham available. This is because of the honor of the Chacham. However, if they did annul someone's *neder*, even if there was a Chacham, the release is effective.

DAILY MASHAL

ANYONE DRUNK?

The Gemora had stated: If one wishes that his *nedarim* should be ineffective for the entire year, he should stand up on Rosh Hashanah and say, "Any *neder* that I will say in the future shall be null." There is a tradition to say Hataras Nedarim before Rosh Hashanah and Kol Nidrei on Yom Kippur.

A story is related: One Yom Kippur Eve, as the sun began to set and the congregation prepared to say Kol Nidrei, everyone was astonished to behold Reb Levi Yitzchok of Berdichev leave his seat and walk down the aisle. He bent down and began looking under each bench; he looked in every corner, all to the amazement of the congregation.

"I know that you are wondering at my actions. I am looking for a drunk Jew," said Reb Levi Yitzchok. "I have searched all over the synagogue and I have been unable to find one." The congregants looked at each other, completely at a loss to understand their rav. Reb Levi Yitzchok then strode to the lectern and announced in a loud voice: "Master of the Universe! Behold Your people Israel whom You have chosen from all people and made holy with Your mitzvos.

"You gave us a commandment to fast on Yom Kippur and also one to eat and drink on the eve of Yom Kippur. "Had You commanded the nations of the world to feast, consider what would have happened! They would have eaten with gusto and drunk till their bellies were filled and their minds fogged. Would there have been many people sitting sober for prayers?

"Yet Your people Israel have fulfilled Your Commandment and to eat and drink, and yet there is not one person here who is drunk. What a holy people are they! And what do they ask? Only that you say a few small words: 'For good life all the Children of the Covenant.'"