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Nedarim Daf 24

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### ***Like a Dog***

The *Gemora* inquired: Do the *Chachamim* argue with Rabbi Eliezer ben Yaakov in the *Mishna* or not? (He said: 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 you will say that they do argue, does the *halachah* follow him or not?

The *Gemora* attempts to bring a proof from the following *Mishna*: If one says to his fellow, “*Konam* that I will not benefit from you if you do not accept from me for your son a *kor* of wheat and two barrels of wine” (and the fellow refuses the gift), he may annul his vow without petitioning a sage, by his fellow saying, “Did you vow for any other purpose but to honor me (that I should accept the gift)? This (the refusal of the gift) is my honor (for it is written in *Mishlei*: One who hates gifts shall live).

The reason it is not a *neder* is only because the fellow asserts, “This is my honor,” but otherwise, it would be a valid *neder*. Whose view is this? It cannot be Rabbi Eliezer ben Yaakov’s opinion, for he would maintain that this is a motivational *neder* and it would be ineffective. Hence, it must be the Rabbis. This would prove that they disagree with Rabbi Eliezer ben Yaakov!

The *Gemora* deflects the proof: After all, it may be Rabbi Eliezer ben Yaakov’s view, for he would admit that this is a legitimate *neder*. This is because the vower is saying in effect, “I am not a dog, that I should benefit from you without your benefiting from me” (he truly means his *neder* not to derive benefit from his fellow since the fellow is refusing his gift and he does not want to appear like a dog). (23b – 24a)

### ***Like a King***

The *Gemora* attempts to bring a proof from a different part of that *Mishna*: If one says to his fellow, “*Konam* that you will not benefit from me, if you do not give my son a *kor* of wheat and two barrels of wine.” Rabbi Meir rules: He is forbidden to derive benefit from him until he gives the wheat and wine to his son. The Rabbis, however, maintain that he can annul his vow without a sage by declaring, “I regard it as though I have received it.”

The reason it is not a *neder* is only because the vower may assert, “I regard it as though I have received it,” but otherwise, it would be a valid *neder*. Whose view is this? It cannot be Rabbi Eliezer ben Yaakov’s opinion, for he would maintain that this is a motivational *neder* and it would be ineffective.



Hence, it must be the Rabbis. This would prove that they disagree with Rabbi Eliezer ben Yaakov!

The *Gemora* deflects the proof: After all, it may be Rabbi Eliezer ben Yaakov's view, for he would admit that this is a legitimate *neder*. This is because the vower is saying in effect, "I am not a king to benefit you without your benefiting me (*he truly means his neder not forbidding his fellow from deriving benefit from him since the fellow is refusing to reciprocate*). (24a)

### **Unavoidable Circumstances**

Mar Kashisha the son of Rav Chisda said to Rav Ashi: Perhaps there is a proof from the following *Mishna*: What is an unavoidable *neder*? If a fellow made a *neder* that he (*the invitee*) should dine with him, and then, he or his son fell sick, or a river prevented him from coming to him (*the neder is ineffective*).

The reason it is not a *neder* is only because there were unavoidable circumstances, but otherwise, it would be a valid *neder*. Whose view is this? It cannot be Rabbi Eliezer ben Yaakov's opinion, for he would maintain that this is a motivational *neder* and it would be ineffective. Hence, it must be the Rabbis. This would prove that they disagree with Rabbi Eliezer ben Yaakov!

The *Gemora* deflects this proof: The *Mishna* may represent the view of Rabbi Eliezer ben Yaakov. For do you think that the inviter imposed the *neder* upon the invitee? On the contrary, the invitee imposed the vow upon the inviter. (*It was by the request of the one who was invited that the inviter made the neder*.)

The *Gemora* explains: He said to his fellow, "Do you invite me to your feast?" "Yes," he replied. (*The invitee responded*;) "Then make a *neder* to that effect." So he vowed (*it cannot be considered a motivational neder for it was the other party that initiated the invitation and it was also he who solicited the vow*), and then the invitee or his son fell sick, or a river prevented him from coming to him; these are regarded as unavoidable vows. (24a)

### **Conclusion**

The *Gemora* attempts to bring a proof from the following *braisa*: Rabbi Eliezer ben Yaakov went even further and said: If one says to his fellow, "*Konam* that I do not benefit from you if you will not be my guest and partake of hot bread and a hot drink with me." The fellow resisted the invitation. This is also considered a motivational *neder*. (See Ra"n Elucidated) But the *Chachamim* did not admit to this.

Now, to what does this disagreement refer? Surely, it means that the *Chachamim* did not admit even to the first case! This proves that they disagree with Rabbi Eliezer ben Yaakov in respect to motivational *nedarim*! The *Gemora* concludes that this is indeed a proof.

The *Gemora* rules: Rav Huna and Rav Adda bar Ahavah say that the *halachah* follows Rabbi Eliezer ben Yaakov. (24a – 24b)

### **Mishna**

The *Mishna* asks: What is the case of an insignificant *neder*? If one said, "*Konam* that these fruits should

be forbidden to me if I didn't see on this road as many people as went out from Egypt at the time of the Exodus," or "if I didn't see a snake like the beam of an olive press." (*Even though he certainly did not see 600,000 men and he did not see a snake that looked like that, the fruits are still permitted because he was clearly exaggerating.*) (24b)

### **Exaggerated Oaths**

The *Gemora* cites a *braisa*: Just as insignificant *nedarim* are permitted, insignificant oaths are permitted (*version of the Ra"n*).

The *Gemora* asks: What is the case of insignificant oaths? If he said, "An oath if I didn't see on this road as many people as went out from Egypt at the time of the Exodus," he is obviously not saying anything (*he is not expressing what the oath is at all*)?

Abaye answers: We are referring to a case where he said, "An oath that I saw on this road as many people as went out from Egypt at the time of the Exodus."

Rava asks: What is the necessity of teaching us this case (*that such an oath is permitted*)? Furthermore, the *braisa* said that we are comparing the cases of insignificant oaths to the cases of *nedarim* (*and we are only stating one case*)!

Rava answers: The case is as follows: He said, "All the fruits in the world should be forbidden to me if I didn't see on this road as many people as went out from Egypt at the time of the Exodus."

Ravina asked Rav Ashi: Perhaps he is referring to an anthill and he gave them the name "those who went out of Egypt," and the oath is a proper one?

Rav Ashi answers: One swears according to our understanding of the words. (24b – 25a)

### **INSIGHTS TO THE DAF**

#### **Honoring his Friend**

If one says to his fellow, "Konam that I will not benefit from your if you do not accept from me for your son a *kor* of wheat and two barrels of wine" (*and the fellow refuses the gift*), he may annul his vow without petitioning a sage, by his fellow saying, "Did you vow for any other purpose but to honor me (*that I should accept the gift*)? This (*the refusal of the gift*) is my honor (*for it is written in Mishlei: One who hates gifts shall live*).

The Rosh asks: Doesn't every *neder* require annulment only through a sage? How can the vower annul this *neder* by himself?

He answers that since this opening is so clear and compelling, the vower is permitted to annul it himself.

The Ran according to the explanation of the Ayeles Hashachar learns differently. He explains that the purpose of the vow was to honor the other fellow. Since he is being honored by refusing the gift, that is regarded as a fulfillment of the condition of the *neder*. The *neder* never has a chance to take effect for the fellow was indeed honored.



### ***The Ra"n Elucidated***

**Rejecting the proof** - The *Gemora* attempts to bring a proof from the following *braisa*: Rabbi Eliezer ben Yaakov went even further and said: If one says to his fellow, “*Konam* that I do not benefit from you if you will not be my guest and partake of hot bread and a hot drink with me.” The fellow resisted the invitation. This is also considered a motivational *neder*.

The reason it says, “Even further” is because here, even though it is applicable to say, “I am not a dog,” for behold, he is forbidding himself the benefit of the invited one if he doesn’t want to accept this benefit from him, and for this reason it can be said that he really meant the *neder*, nonetheless, Rabbi Eliezer ben Yaakov said that they are motivational *nedarim*.

According to this explanation, we now see that our rejections of all the proofs above, that even Rabbi Eliezer ben Yaakov agrees whenever it is possible to say, “I am not a dog” were only arguments, but were not really true.

## **DAILY MASHAL**

### **Life of a King**

Chazal ask: Megilas Rus does not teach us *issur v’heter* (permissions and prohibitions), nor *tumah v’taharah* (contamination and purity); why was it written? The Midrash answers that the megillah was

written in order to teach us the reward for *gemilus chessed* (kindness).

In addition to the theme of *chedesed* that permeates the megillah, Rus is also the story of David haMelech’s family. Shavuos is the *yahrzeit* and birthday of David, and we focus on his lineage.

Divrei Chaim notes: It is not a coincidence that these two themes – *chedesed* and *malchus* – come together. Our *Gemora* discusses a case of a person who makes a *neder* to force his friend to give him something. “*Lav malkah ana*” – the vower states, “I’m not a king who gives things to you and gets nothing in return.” Being a king, *malchus*, is about giving to others. The ultimate *gomeil chessed*, the person who gives and takes nothing in return, is living the life of a king.