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Nedarim Daf 26

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### **Nullified in Part**

The *Gemora* cited a *Mishna* which states: We may use an opening to permit a vow (*for example not to eat meat for a year*) by asking the vower if he had thought about including Shabbos and Yom Tov (*if he would have known that it is forbidden to fast on them, would he have anyway made the neder*). First it was said that those days could be permitted and the rest of the year should still be forbidden, until Rabbi Akiva said that a vow that has been partially permitted is totally permitted.

Rabbah said: All agree that if he said, “Had I known that my father was among you, I would have declared, ‘All of you are forbidden except my father,’” they all would be forbidden, but his father is permitted. (*Even Beis Hillel would agree in this case. In this instance, it is not regarded as a neder which is partially annulled because he is standing by his original vow; he is only adding the exception.*) They differ only if he asserted, “Had I known that my father was among you, I would have altered my vow and said, ‘So-and-so and So-and-so are forbidden to me, but my father is permitted.’” (*There are two factors that render this neder as one which is partially annulled. One is that he made a mistake by including his father, and secondly, that this mistake caused the wording of the neder to be wrong in respect to the rest. It is therefore regarded as a neder which is*

*partially annulled and Beis Shammai and Beis Hillel disagree in this case.*)

Rava disagrees and offers his own explanation of Beis Shammai and Beis Hillel’s dispute: All agree that if he said, “Had I known that my father was among you. I would have altered my vow and said, ‘So-and-so and So-and-so are forbidden to me, but my father is permitted,’” they all would be permitted. (*There are two factors that render this neder as one which is partially annulled. One is that he made a mistake by including his father, and secondly, that this mistake caused the wording of the neder to be wrong in respect to the rest. It is therefore regarded as a neder which is partially annulled and Beis Shammai and Beis Hillel both agree that a neder which has been partially permitted is totally permitted.*) They differ only if he asserted, “Had I known that my father was among you, I would have declared, ‘All of you are forbidden except my father.’” Beis Shammai would follow the opinion of Rabbi Meir, who holds that a person is only held accountable for his first words and Beis Hillel follows Rabbi Yosi’s viewpoint, who says that we also recognize the conclusion of his words. (*The dispute refers to his second declaration, which is divided into ‘first words’ and ‘last words.’ The first words are, ‘All of you are forbidden.’ Since his revised words are identical with his earlier declaration, the neder remains in effect in respect to*

*the others. Beis Shammai maintains that his vow has not even been partially annulled, since he never meant to include his father in his first expression. Beis Hillel holds that the vow has thereby been partially annulled, and consequently, entirely annulled.)*

Rav Pappa asks to Rava from a *Mishna*: When did Rabbi Akiva say that a *neder* which has been partially permitted is totally permitted? If one said, “*Konam* that I will not derive pleasure from any of you,” the law is that if the vow is nullified in respect to one of them, it is considered nullified in respect of all of them. If, however, he said, “*Konam* that I will not derive pleasure from this one and from this one etc.,” the law is that if the vow is nullified in respect to the first one, all of them will be permitted. If the vow is nullified in respect to the last one, he is permitted, but the others are all forbidden.

Rav Pappa explains his question: As for Rabbah, it is well, for he can apply the first clause (*the first two sections of the Mishna, where the ruling was that if one is permitted, they are all permitted*) to a case where the vower would have altered his *neder* (*had he known that his father was included in the group and that is why Rabbi Akiva rules that if the neder is partially nullified, it is completely nullified; see Ra”n Elucidated # 1 for his lengthy explanation on this point*) while the second clause refers to one who declared, “*from any of you*” (*both initially and after realizing that his father was among the group (he would have added “except for my father”); since he is not altering his neder, even Rabbi Akiva would hold that only the nullified portion of the neder is nullified, but the other portion remains valid*). But as for you (*Rava*), granted that you can apply the first clause

(*the first ruling of the Mishna*) to one who declared, “*from any of you*” (*both initially and after realizing that his father was among the group (he would have added “except for my father”); since he is not altering his neder, only Rabbi Akiva would hold that once he nullifies part of the neder, the other part is also nullified; the Rabbis, however, would disagree and hold that the other portion of the vow remains valid since he is not altering his neder*). But how will you (*Rava*) explain the second clause (*where Rabbi Akiva rules if the vow is nullified in respect to the first one, all of them will be permitted*)? If it refers to a case where the vower would have altered his *neder* (*had he known that his father was included in the group*) and declared, “*from this one and from this one,*” is this only Rabbi Akiva’s view? Why would the Rabbis disagree? Didn’t you say that all agree (*in a case where the vower would alter his neder*) that the vow is entirely annulled? (*See Ra”n Elucidated # 2 as to why the Gemora did not answer that it is referring to a case where the vower would not have altered his neder.*)

Rava answered: Even according to Rabbah, is the *Mishna*’s ruling satisfactory? How has Rabbah explained the last clause? It is referring to a case where he declared, “*from any of you*” (*both initially and after realizing that his father was among the group*). Who then is the “*first,*” and who is the “*last*”? (*Why is the one who is excluded from the neder in the middle case referred to as “the first one,” and in the last case, he is referred to as “the last one”?*)

Rather, Rava says, the first clause refers to a case where he said, “*from any of you*” (*both initially and after realizing that his father was among the group*

and that is why only Rabbi Akiva would hold that once he nullifies part of the neder, the other part is also nullified), but the latter clauses (the last two rulings) refer to a case where the vower made each dependent on the preceding, vowing, "This one should be forbidden like this one (the first person), and this one like this one." (Therefore, if by his second statement the first one is excluded, the rest are likewise excluded. But if the last-named is excluded, the vow remains in full force with respect to those mentioned earlier.) This explanation may be proven accurate, for a braisa was taught regarding this Mishna: If the middle one was permitted, then those mentioned after him are also permitted, but those mentioned before remain forbidden.

Rav Adda bar Ahava asked to Rava from a Mishna: If one said, "Konam, if I taste onions, because they are bad for the heart." They then said to him, "But the Kufri onion is good for the heart"? He is permitted to eat the Kufri onions, and not only of these, but of all onions. Such an incident happened before Rabbi Meir, and he permitted him to eat all types of onions.

Rav Adda bar Ahava explains his question: Does it not mean that he declared, "Had I known that Kufri onions are good for the heart, I would have vowed: 'All onions should be forbidden to me, but Kufri onions should be permitted'?" (This would seemingly contradict Rava's view that Beis Shammai holds like Rabbi Meir that we consider the first expression in a case when the neder was not altered; it would therefore not be regarded as a neder that is nullified in part?)

The Gemora answers: No! This refers to one who declared, "Had I known that Kufri onions are good for the heart, I would have vowed, 'This type and this type of onions should be forbidden me, but Kufri onions should be permitted'." It emerges that Rabbi Meir is ruling according to Rabbi Akiva and according to the Rabbis. (25b – 26b)

## INSIGHTS TO THE DAF

### *The Ra"n Elucidated*

**#1 (Please see above)** - The "first clause" refers to the first two cases. The "last clause" refers to the last case. This is the explanation: This is consistent with Rabbah's opinion that the two first cases are explained as being cases in which he changes his earlier words. Since in the first case he started out by saying, "that which I benefit from all of you," we will explain it as where afterwards he declared, "from this one and from this one." That is, now that he knows that his father was among them, he says that had he known that from the beginning, he would have said, "from this one and from this one." Because of this, according to Rabbi Akiva, if one part of the neder is nullified the rest is also nullified, since there are two things; a mistake with respect to the father and a mistake in language in respect to the others.

The middle case too, of "that which I benefit from this one and from this one" is where he changes, but the change is the opposite of the first case. In the first case, in the beginning he said, "from all of you," and now he changes to say that had he known, he would have said, "from this one and from this one" In the middle case, in the beginning he said, "from this one and from this one," and now he changes to say that

had he known that his father was among them he would have said, “from all of you except my father.” It teaches us that in such a case too, there is a concern that it is considered a change.

For there are people who are concerned, when they know that their father is among them, to say, “from this one and from this one,” so that their father will not be included in the *neder* for even a single moment. And there are other people who are concerned in the opposite way, to say, “all of you” when their father is among them, and not to say, “from this one and from this one,” because when someone says, “from this one and from this one,” it takes a long time before it becomes evident that he will not specifically mention his father, and someone who hears him start to say, “from this one and from this one” might possibly think that in the end he will mention his father too. He therefore chooses, for the honor of his father to include the other all by the expression, “all of you,” so that his will immediately make it clear that his father is not included.

Therefore the first case of the *Braisa* teaches us that if one changes from an inclusive statement to a specific one, it is considered a change, so when part of the *neder* is nullified the entire *neder* is nullified the middle case teaches us that when one changes from specific to inclusive, it is a change, and if part of the *neder* is nullified the entire *neder* is nullified.

In the last clause, “if the last one is permitted, the last one is permitted and they all remain forbidden,” is either where he said, “from all of you” both at the beginning and at the end, or else, where he said at the beginning and the end, “from this one and from

this one.” Since he upholds his original words, it is all the same. It is for this reason that the *Mishna* says if the last one – that is, any one of them – is permitted, the last one is permitted and all of them remain permitted at this point the *Gemora* thinks that “first” “and last” are not meant literally, but just “one of them.”

**#2 (Please see above)** - The “last part” here refers to the middle case. If he said, “from this one and from this one,” that is, in the beginning he said, “from all of you,” and now he says, “from this one and from this one.” And when the *braisa* says “from this one and from this one,” it is referring to his later statement. Is it Rabbi Akiva? If he alters his *neder*, even the Rabbis would agree! And you can’t say that just as according to Rabbah, the two first cases are where he changes, according to Rava too, the first cases are where he upholds his original words, except that the first is where he says both at the beginning and at the end, “all of you” and the middle is where he said at the beginning and the end, “from this one and from this one.” You cannot say this, for while according to Rabbah, it would be necessary to teach both of them, that whether it is from inclusive to specific or from specific to inclusive, it is a change, but according to Rava, who says that they are all cases of upholding, why are two cases of upholding necessary? Rather, the first part is certainly a case where he upheld and the middle case is where he changed. Since that is so, the middle part is problematic, for how could it say that it is Rabbi Akiva and not the Rabbis? For it says: In what case did Rabbi Akiva say that a *neder* in which part of it is nullified, the entire *neder* is nullified? But in a case where he altered his words, even the Rabbis would agree!