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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

**Tzvi Gershon ben Yoel (Harvey Felsen) o”h**

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

### **Rainfall**

The *Mishna* had stated: One who makes a *neder* “until the rains” or “until the rains begin” he is forbidden until the second rainfall. Rabban Shimon ben Gamliel says: he is forbidden until the time of the second rainfall.

Rabbi Zeira said: This argument is only when he said, “until the rains.” However, if he said, “until the rain” (*in the singular form*), everyone agrees that the *neder* remains in effect until the time of the second rainfall (*even though it didn’t actually rain*).

The *Gemora* asks from the following *braisa*: When is the time of rainfall? The first rain falls on the third day of Mar-Cheshvan. The second rain descends on the seventh and the last one falls on the twenty-third; these are the words of Rabbi Meir. Rabbi Yehudah holds that the first rain falls on the seventh day of Mar-Cheshvan. The second rain descends on the seventeenth and the last one falls on the twenty-third. Rabbi Yosi maintains that the first rain falls on the seventeenth of Mar-Cheshvan. The second rain descends on the twenty-third and the last one falls on Rosh Chodesh Kislev. And so Rabbi Yosi used to say: The individuals (*Torah scholars*) would not begin to fast (*when there was no rain*) until Rosh Chodesh Kislev.

And we said regarding this *braisa*: It is important to know the time for the first rain because this is when we

will commence requesting for rain. It is pertinent to know the time for the third rainfall since we need to know when to begin fasting if the rain does not descend. What is significant about the second rain? Rabbi Zeira explains that it is relevant for the *halachos* of vows. (*If he makes a vow and specifies that it will only be until it rains, he is referring to the second rainfall.*)

And we said further regarding this *braisa*: Who is the following *braisa* going according to? Rabban Shimon ben Gamliel said: If it rains for seven consecutive days (*in the beginning of the rainy season*), you (*the Chachamim*) should consider it as the first and the second rainfall. This follows the opinion of Rabbi Yosi (*it rained on the seventeenth and the twenty-third of Mar-Cheshvan*).

### **The Ra”n Elucidated**

[*Rabban Shimon ben Gamliel said: According to me, it doesn’t matter at all, for one who makes a neder, it is the scheduled time for the rain that matters, not the actual rainfall. However, according to you, although you are concerned with the actual rainfall, admit to me that although it began to rain at the first period and didn’t stop, since it continued until the second period, it should be regarded as the second rainfall, and the time of his neder has been completed.*

Initially, the Gemora thinks that this is referring to a case where he made a neder saying, “until the rain,” because that was what people were accustomed to say. And if Rabbi Zeira’s statement is true, that in the case of “until the rain,” everyone agrees that it means “until the time arrives,” why did Rabban Shimon ben Gamliel tell the Chachamim to admit to him? And why did he speak of a case where the rain fell? Even if it didn’t rain, since when he made the neder, he said “until the rain,” and the time of the second rain came, everyone would agree that his neder is completed! ]

The Gemora answers that Rabbi Zeira is referring to a case where he said, “until the rains” (in the plural form, and here, the Mishna states that they do, in fact, disagree). (63a)

### **Mishna**

The Mishna states: If one made a neder against tasting wine for the year, and the year was proclaimed to be a leap year, he is forbidden for the year and its extension.

If his neder was until the beginning of Adar, and the year was proclaimed to be a leap year, he is forbidden until the beginning of the first Adar. If he said, “until the end of Adar,” he is forbidden until the conclusion of the first Adar. (63a)

### **Unspecified Adar**

The Gemora notes: It is evident from the Mishna that an unspecified Adar refers to the first Adar.

The Gemora says: Let us say that the Mishna is following the opinion of Rabbi Yehudah. For we learned in the following braisa: During the first Adar, one writes “the first Adar” as the date on a document. During the

second Adar, he may write “Adar.” These are the words of Rabbi Meir. Rabbi Yehudah says: One writes “Adar” during the first Adar and “the second Adar” during the second Adar.

Abaye says: The Mishna may be following Rabbi Meir’s opinion as well. For the braisa is referring to a case where he knew it was a leap year (and that is when “Adar” is a reference to the second Adar). The Mishna, however, is referring to a case where he did not know that the year will be extended (and therefore “Adar” is a reference to the first one).

The Gemora cites a braisa supporting Abaye’s explanation. (63a – 63b)

### **Mishna**

Rabbi Yehudah says: If one says, “Konam wine that I will not taste until it will be Pesach,” he is permitted to drink wine on the first night of Pesach, because he intended only until the time that people normally drink wine.

If one said, “Konam meat that I will not taste until it will be the Fast (Yom Kippur),” he is forbidden only until the night of the Fast (he is permitted to eat meat at the pre-fast meal), for he intended only until the time people customarily eat meat.

Rabbi Yosi, his son says: If one says, “Konam garlic that I will not taste until it will be Shabbos,” he is forbidden only until Friday night, for he intended only until the time that people customarily eat garlic.

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).

Similarly, 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."

If they urged him to marry his sister's daughter, and he said, "Konam that she forever derives benefit from me"; and similarly, if one divorces his wife and said, "Konam if my wife forever derives benefit from me," these are permitted to derive benefit from him, for he intended only regarding marriage.

If one was urging another to eat by him and he refused saying to him, "Konam, that I will enter your house," or "Konam, that I will taste any cold water from you," He is nevertheless permitted to enter his house and drink cold water from him. This is because we assume that he only meant that he will not eat or drink (an actual meal by him; although he said that he will not drink cold water from him, this is just a manner in which a person talks even though he doesn't mean that). (63b)

WE SHALL RETURN TO YOU, KONAM YAYIN

[We use the sefer "The Commentary of Rabbenu Nissim on Nedarim" from Rabbi Nathan Bushwick extensively to assist us in preparing the "Elucidation of

the Ra"n." The sefer, written in English is available for sale by writing to: Rabbi Nathan Bushwick 901 Madison Ave. Scranton, Pa 18510-1019. The cost is \$25.00.]

## INSIGHTS TO THE DAF

### *Delaying by a Neder*

The *Mishna* had stated: If one made a *neder* against tasting wine for the year, and the year was proclaimed to be a leap year, he is forbidden for the year and its extension.

The Ra"n explains: The *Mishna* is teaching us that even if one made the *neder* from the beginning of the year, since he said "this year," we do not say that he meant "one year," but rather, he is prohibited for an extra month, which is thirteen months. However, if he said "one year" without any specification, the extra month is not included, even though the year was a leap year. For behold, if he did not abide by his prohibition this year, he makes it up the next year, which is a regular year. And although, it is forbidden for him to do that, because there is a prohibition against delaying, since if he would delay, he could make it up in another year, his *neder* is not connected to this year, which is a leap year. Therefore, even if he fulfills it this year, the extra month is not included.

The Rashba holds that even if he says, "one year from today," the extra month is not included.

It is evident from the Ra"n that he holds of the following novelty: One can violate the transgression against delaying, even by a prohibitory *neder*.



The Rambam and Ramban, both maintain that this prohibition is only applicable by a *neder* for *hekdesh*, when one is obligating himself to do something.

The Machaneh Efraim adds that this transgression can apply by all *nedarim* to fulfill a *mitzvah*.

Reb Shimon Shkop states that the Ra"n's words are perplexing. The prohibition against delaying is applicable when the person has an obligation to do something. A *neder* is a prohibition on an object. If the object is forbidden, it is forbidden, but if it is not, how can there be a prohibition against delaying?

Reb Dovod Pervarsky explains: A *neder* also begins with an obligation resting on the person. He is obligated to fulfill his *neder*. If the forbidden object is in existence, the *neder* takes effect upon that object. However, if it is not in existence at that time, the person has a responsibility to render it forbidden when it comes into this world. If he fails to do so immediately, he is violating the transgression against delaying.

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.

## DAILY MASHAL

### *Honoring his Friend*

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*).