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Mishnah

The *Mishnah* states: There are four types of *nedarim* that are (*automatically*) permitted. They are: A motivational *neder*; an insignificant *neder*; an accidental *neder*; an unavoidable *neder*.

What is the case of a motivational *neder*? If someone was selling an object and he said to the potential buyer, “*Konam* that I will not lower my price for you less than a *sela* (four dinars)” (i.e. if I take less than a *sela*, the money should be forbidden to me), and the buyer says, “*Konam* that I will not pay to you more than a *shekel* (two dinars)” (the object shall be forbidden to me if I pay more than a *shekel*), both of them can compromise on three *dinars* (since they did not really mean what they said; they were each only trying to get a better deal). (20b5 – 21a1)

Haggling Over the Price

The *Mishnah* had stated: There are four types of *nedarim* that are (*automatically*) permitted.

Rabbi Abba bar Mammal said to Rabbi Ami: You said to us in the name of Rabbi Yehudah Nesiah: Who is the *Tanna* of our *Mishnah*? It is Rabbi Yehudah, for he said in the name of Rabbi Tarfon: [There was a disagreement amongst two people if the person

approaching was Reuven or not.] A person said, “I am a *nazir* if that man is So-and-so,” and another person said, “I am a *nazir* if that man is not so-and-so,” neither of them is a *nazir*, for *nezirus* can only take effect when there is a clear expression (*without any doubt; even if later we find out that the condition was met*). (He understands the case of the *Mishnah* as follows: The seller and the buyer are making a conditional *neder*. It should take effect if the price goes beyond their stated terms. Since the *neder* was made with a condition, the *neder* is not valid at all. This is because Rabbi Yehudah in the name of Rabbi Tarfon holds that a conditional *neder* is null and void since it was not clear at the time they were said that they would take effect.)

Rava says that the *Mishnah* can be following the opinion of the Rabbis as well (*who disagree with Rabbi Yehudah in the name of Rabbi Tarfon*) as well. Did the *Mishnah* state: Both agreed to three dinars? [It did not!] Both are agreeable (to three dinars) is what it stated! (He explains the *Mishnah* to mean that they both were agreeable on the price of three dinars to begin with. The reason the *neder* is ineffective is because they were only saying it as a means to motivate the other one to a better price, but they did not really mean the words that they said.)

Ravina inquired of Rav Ashi: If the seller vowed an amount greater than a *sela* (*he would not sell it for less than this amount*) and the buyer vowed an amount less than a *shekel* (*he would not buy it for more than this amount*), is this a legitimate *neder* (*because they both were very precise in their amounts*) or should it be regarded as a motivational one (*which is ineffective*)?

Rav Ashi replied: This can be proven from the following *Mishnah*: 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*). Also here, we should say that people talk in such a manner (*but they don't really mean it*).

Ravina (objects to this proof, and) said to Rav Ashi: The two cases are not comparable! By the case of the cold water, the vower did not mean what he said, because the righteous say a little and do a lot (*and if he would not have vowed against eating a little bit, the host would have served him a full meal, which is what the vower wishes to avoid*). In this case, however, there is a legitimate doubt. Is this a legitimate *neder* because they both were very precise in their amounts or should it be regarded as a motivational one (*which is ineffective*)?

The *Gemora* leaves this inquiry unresolved. (21a1 – 21b1)

Annuling a Neder

Rav Yehudah said in the name of Rav Assi: The four *nedarim* (*mentioned in the Mishnah*) are valid and require annulment from a sage.

When this was said before Shmuel, he asked: The *Mishnah* says that they are permitted and you say that they require a sage!?

Rav Yosef said over the previous statement differently: Rav Yehudah said in the name of Rav Assi: A sage may not annul a *neder* unless it is similar to these four types of *nedarim*.

The *Gemora* notes: He holds that we do not use the vower's regret as an opening to annul a *neder*. (*A neder may only be annulled with an opening; i.e. we say that if the vower would have been aware of the ramifications of the neder, he would not have made the neder in the first place; saying that he uttered the neder because he was angry and he therefore regrets making the neder will not be sufficient basis to annul the neder*).

The *Gemora* cites an incident: A man once came before Rav Huna (*for him to annul his neder*). Rav Huna asked him: Was your mind settled when you uttered the *neder*? He replied: No! Thereupon, Rav Huna annulled his *neder*. (*We see that Rav Huna holds that a sage may annul a neder on the basis of regret*.)

A man once came before Rabbah the son of Rav Huna. Rabbah asked him: If there would have been ten men present to appease you just then, would you have vowed? He replied: No! Thereupon, Rabbah annulled his *neder*.

The *Gemora* cites a *Baraisa*: Rabbi Yehudah said: We ask him: Was your mind settled when you uttered the *neder*? If he replies, "No," we annul his *neder*. Rabbi Yishmael the son of Rabbi Yosi said in the name of his father: We say to him: If there would have been ten men present to appease you just then, would you have vowed? If he replies, "No," we annul his *neder*.

[A mnemonic: Assi and Elozar, Yochanan and Yannai.]

A man once came before Rav Assi. He asked him: Do you regret uttering your *neder*? He replied, "Do I not?" ("I certainly do!") Thereupon, he annulled his *neder*.

A man once came before Rabbi Elozar. He said to him: Do you still desire your *neder*? He replied: Had they not angered me, I certainly would not have made the *neder*. Rabbi Elozar said to him: Let it be as you wish (*your neder is annulled*).

A woman who had subjected her daughter to a *neder* came before Rabbi Yochanan. He said to her: Had you known that your neighbors would say of your daughter, "If her mother had not seen something immoral in her behavior, she would not have put her under a vow for nothing," would you have uttered the *neder*? On her replying in the negative, he annulled it. (21b1 – 22a1)

DAILY MASHAL

The righteous say a little and do a lot

Words are so easy... They don't cost a thing yet make us feel that we're already there! When a person would approach the Chofetz Chaim for a letter of approbation, he would never verbally agree to give one. He would begin to write it immediately. Upon finishing and handing it to the person he would only then say, "Yes, here it is."