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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

Mishnah

If a person (pronouncing a vow) says, “Wine shall be konam upon me with regard to my tasting today,” wine is forbidden (to him) only until nightfall.

[If his vow was for] “this week,” wine is forbidden (to him) for the rest of the week, and the [upcoming] Shabbos [is included] in the days of the preceding week. [*Ra”n – when people say “this week,” their minds are on the week days that are coming and on the day of Shabbos.*]

[If his vow was for] “this month,” wine is forbidden (to him) for the rest of the month, and the [upcoming] Rosh Chodesh [is included] in the days of the upcoming month. [*Ra”n – Rosh Chodesh that is after the days of the month is not included in the prohibition; rather it is counted for the future month, therefore, it is permitted.*]

[If his vow was for] “this year,” wine is forbidden (to him) for the rest of the year, and the [upcoming] Rosh Hashanah [is included] in the days of the upcoming year.

[If his vow was for] “this seven-year cycle, wine is forbidden (to him) for the rest of the of the seven-year cycle, and the [upcoming] Sabbatical year [is included] in the years of the preceding cycle.

If the terminology of his vow was “for one day,” or “for one week,” or “for one month,” or “for one year,” or “for one seven-year cycle,” wine is forbidden (to him) from day to day (i.e., a day of twenty-four hours; likewise a month of thirty days, a year of twelve months, and a cycle of seven years).

If a person vowed [not to taste wine] “until Pesach,” wine is forbidden (to him) until *Pesach* arrives (but not including Pesach). If he said “until it is Pesach,” wine is forbidden (to him) until Pesach is over.

If he said, “until before the Pesach,” Rabbi Meir says: He is forbidden until Pesach arrives. Rabbi Yosi says: He is forbidden until after Pesach. (60a2 – 60a3)

“For Today” and “For One Day”

The *Mishnah* had stated: If a person (pronouncing a vow) says, “Wine shall be konam upon me etc. [with regard to my tasting today,” wine is forbidden (to him) only until nightfall].

Rabbi Yirmiyah said: Upon nightfall, he must ask a sage (to permit his vow).

The Gemora asks: What is the reason for this?

Rav Yosef said: It is a (Rabbinical) decree (that wine is forbidden to him for a twenty-four hour period unless he petitions a sage to annul the vow) regarding a case where he vowed for “today,” lest people might confuse this case with one where he vowed (that wine is forbidden to him) “for one day” (where the *Mishnah* ruled that wine is forbidden to him for twenty-four hours, not just until nightfall).

He (Abaye) said to him (Rav Yosef): If so, let us also decree that in a case where he vows “for one day” (wine should be forbidden to him until nightfall after twenty-four hours have passed), as people might confuse this with the case where he makes a vow for “today”?

Rav Yosef said to him: People may confuse “today” with “one day,” but they will not confuse the laws regarding “one day” with “today.” [Ra”n – If, when he says “today,” you would permit him at nightfall without petitioning a sage, people will come to permit as well when he says “one day.” But “one day” does not get confused with “today,” because when he said “one day,” he remained subject to his prohibition until that time the next day, so there is no kind of confusion that might lead people to permit before nightfall if he says “today.”]

Ravina said: This is what Mereimar told me: Your father said as follows in the name of Rav Yosef: Who is the teaching of Rabbi Yirmiyah bar Abba (that in a case where one said, “Wine shall be konam upon me with regard to my tasting today” – that after nightfall, wine is permitted to him, provided that he petitions a sage first) according to? It is according to the teaching of Rabbi Nassan, for it was taught in a Baraisa: One who vows is regarded as if he built a private altar (*in the times that they were forbidden*), and one who fulfills the vow is regarded as if he offered a sacrifice on the private altar (*fulfilling the vow instead of having it annulled will encourage him to vow in the future*). [Ra”n – When we require him to petition a sage when he says “today,” it is not only because of a decree, because to confuse them in fact is not so common, so for a decree alone, we would not be so strict about it; since however, making a vow is not so proper, as R’ Nassan said, we instruct him to petition a sage first. Although, were it not appropriate to make a decree at all, we would not impose this stringency upon him, for if so, all nedarim would require this; where, however, it is appropriate to make a decree, we act stringently and punish him.] (60a3 – 60b1)

Teaching of Shabbos and Rosh Chodesh

The Mishnah had stated: [If his vow was for] “this week,” wine is forbidden (to him) for the rest of the week, and the [upcoming] Shabbos [is included] in the days of the preceding week.

The Gemora asks: Is it not obvious (that Shabbos is included in the week, and therefore, wine is forbidden to him on that upcoming Shabbos)?

The Gemora answers: One might have thought that (when he said “this week”) he meant only the weekdays (and not Shabbos). The Mishnah therefore teaches us that this is not so (and Shabbos is included).

The Mishnah had stated: [If his vow was for] “this month,” wine is forbidden (to him) for the rest of the month, and the [upcoming] Rosh Chodesh [is included] in the days of the upcoming month.

The Gemora asks: Is it not obvious (that the upcoming Rosh Chodesh is not included in the month, and therefore, wine would not be forbidden to him on that upcoming Rosh Chodesh)?

The Gemora answers: This teaching is necessary for a case when the following month is a deficient month (and therefore, this month is a full month of thirty days; there would then be two days Rosh Chodesh – the first day being the thirtieth day of the current month, and the second day would be the first day of the following month). One might have thought that the first day of Rosh Chodesh should be reckoned with the previous month (and wine should be forbidden on that day; the Mishnah therefore teaches us that (this is not so, as) people refer to this day as the beginning of the month (even though it is actually the thirtieth day of the previous month). (60b1 – 60b2)

The Mishnah had stated: [If his vow was for] “this year,” wine is forbidden (to him) for the rest of the year.

The Gemora inquires: If one said, “Wine shall be konam upon me with regard to my tasting for a day,” what is the halachah? Is the law akin to a case where he said “today” (and the neder would lapse at nightfall), or is it like the case



of “one day” (where the neder would be effective for twenty-four hours)?

The Gemora attempts to resolve this: Come and hear from our Mishnah: If one said, “Wine shall be konam upon me with regard to my tasting today,” wine is forbidden (to him) only until nightfall. But (we may infer), if he said, “a day,” it is as if he said “one day” (and the neder would be effective for twenty-four hours).

The Gemora disagrees: Let us consider the latter part of the Mishnah: If the terminology of his vow was “for one day,” wine is forbidden (to him) from day to day (i.e., a day of twenty-four hours). But (we may infer), if he said, “a day,” it is as if he said “today” (and the neder would lapse at nightfall).

Rather, the Gemora concludes, from this Mishnah we cannot infer anything (for we do not know which statement is precisely worded in order to glean what the halachah would be in the inferred case).

Rav Ashi said: Come and hear (a proof) from the following Mishnah: 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. Now, what are the circumstances of the case? If it is as it stated (that he said “for the year”), why was it necessary to state (that the extension is included; is it not obvious that it is included, as that month is part of the year)? Rather, it must mean that he said, “for a year” (and the novelty is that he is referring to this year, and not a year). Evidently, “a year” is as if he said “the year,” and, accordingly, “a day” would have the same law as “today.”

The Gemora rejects the proof: No! In truth, the vower said “the year,” and (regarding your question as to what the novelty is) I would have thought that we should follow what is usual in the majority of years, and the majority of years do not include any extension; the Mishnah therefore teaches us that this is not so. (60b2 – 61a1)

INSIGHTS TO THE DAF

Annulment after the Term of the Neder Expired

The *Mishnah* states: If a person says: “Konam” (*he forbids himself with a vow*) that he will not taste any wine today, he is only forbidden from doing so until it gets dark.

Rabbi Yirmiyah says: When it gets dark, he must ask a scholar (*to permit his vow*). The Gemora asks: What is the reason for this? Rav Yosef answers: It is a decree, lest he confuse this case with a vow that he will abstain “for one day” (*which the Mishnah stated means that he is forbidden for twenty-four hours, not just until dark*).

The Acharonim ask: Why can’t he have the *neder* annulled before the night? Why must he wait for the night?

The Chasam Sofer answers: If he would have the *neder* annulled before the night, it would retroactively annul his *neder*. It would emerge that he had abstained for nothing. However, if he waits until the night to annul the *neder*, he has fulfilled his *neder*, since the term of his *neder* was for that day. It was only a stringency based upon a decree that he should have it annulled at night.

It is evident from the Chasam Sofer that he maintains that a *neder* cannot be annulled after its term has been completed. The Tosfos Ri”d holds that a *neder* can be annulled by a sage even after its term has expired.

Fasting Nowadays

The Ra”n asks on our custom of accepting to fast for one day, and immediately by nightfall, he is permitted to eat without petitioning a sage first. According to our *Gemora*, shouldn’t he be required to have the *neder* annulled because of Rav Yosef’s decree of “one day”?

The Ra"n answers: Everyone knows that the *Chachamim* instituted that the time for a fast is from morning until night. It is not similar to other *nedarim*, which do not have a set time. There, therefore, is no reason for a decree, for everyone understands that the *halachos* of *nedarim* and the *halachos* of fasting are distinct from each other.

The Rashba answers: The *Gemora's* decree is only applicable in a case where he made a *neder*, saying, "Today, I will not drink wine," which is similar to the case where he said, "I will not drink wine for one day." There, we rule that he must have the *neder* annulled at nightfall, since it is similar to the case where he made the *neder* for "one day," where he was permitted in the beginning of the day. However, regarding a fast, where one is forbidden to eat from the beginning of the day until its conclusion, there is no reason for any decree. One would easily think that the reason why we are lenient and allow him to eat at nightfall is because we were stringent upon him at the beginning of the day. When he makes the *neder* in middle of the day, and he was permitted up until then, we decree that he is required to petition a sage for annulment of his *neder* at nightfall.

The Rashba offers another answer: There is no place for Rav Yosef's decree by a *neder* to fast, for even if one would make a *neder* to fast for "one day," he will not be required to fast for twenty-four hours like by a different *neder*. Therefore, on a regular fast, he may begin to eat immediately upon nightfall.

The Yados Nedarim answers: This decree was never issued by a *neder* for a *mitzvah*. One who vows to fast is regarded as having performed a *mitzvah*, as the *Gemora* refers to him as a *kodosh*.

DAILY MASHAL

Neder is like Building a Bamah

The Sefas Emes and Noam Elimelech teach us that the word *neder*, vow is related to the word *dirah*, dwelling. What does an oath have to do with a dwelling?

Reb Chaim from Divrei Chaim cites the Shem m'Shmuel who questions the entire essence of *nedarim*: How is it that a person has the power through his verbal declaration to create prohibitions (*in the case of nidrei bituei*) and create a status of *hekdesh* (*nidrei hekdesh*)? This power goes so far that the *Gemora* is uncertain whether the object of a *neder* is subject to the laws of *me'ilah* for violating a *neder*!

He suggests the following: In essence no new *kedushah* is being created. The concept of *neder* is a recognition that beyond what meets the eye, there is a level of *kedushah* already inherent in the reality around us - the *Shechinah* already dwells immanently in the world.

Sefas Emes notes that the first person in the Torah to take a *neder* is Yaakov Avinu. While the other Avos revealed Hashem's presence as similar to a mountain or a field, Chazal tell us that Yaakov revealed Hashem's presence as the *bayis*, a dwelling. Chazal tell us that taking a *neder* is like building a *bamah*, an altar used outside the *Mikdash*. Hashem metaphorically "dwells" in the Bais haMikdash – to create a sanctified space for him - outside those confines is a task fraught with challenge.