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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

The *Gemara* challenges Rava from the earlier *Baraisa*, which says that if one petitioned a sage to annul his first *nezirus* – *nazirite restrictions* after counting its days and designating its sacrifice, it is annulled, and the days count for the second set. This *Baraisa* indicates that one can have his *nezirus* annulled even though it is not in effect any more.

The *Gemara* deflects this by saying that he has not yet sacrificed his sacrifices, and the *nezirus* is therefore still in effect.

The *Gemara* rejects this, since another *Baraisa* says the same about a case where he already offered his sacrifices.

The *Gemara* deflects this by saying that this *Baraisa* follows Rabbi Eliezer, who says that *nezirus* is in effect even after the sacrifice is offered, until the *nazir* shaves his head.

The *Gemara* rejects this, since another *Baraisa* says the same about a case where he already shaved his head.

Rav Ashi answers that in the case of *nezirus* we are only discussing the second *nezirus*, which would have been fulfilled by the first set, if not for the first *nezirus*. Therefore, once the court petitioned a sage to annul the first *nezirus*, the second one is automatically fulfilled by

the first set. However, in the case of an oath, once the oath was violated, the court cannot annul it.

Ameimar says that even if he ate the whole loaf, he can have his oath annulled. If he mistakenly ate it, he still must bring his sacrifice, and if he ate it intentionally, he incurs lashes. The oath is thus still in effect, and can be annulled. However, if he was tied to the post (in preparation for the administration of lashes), this is tantamount to lashes, since Shmuel says that if one ran away at that point, he is already exempt.

The *Gemara* objects, since Shmuel says he is exempt only if he runs, but not just by being bound to the post. (28a1 – 28a2)

Rava discusses one who took an oath that he will not eat loaf A if he eats loaf B:

1. If he ate the first one by mistake and the second one intentionally, he is not liable.
2. If he ate the first one intentionally and the second one by mistake, he is liable.
3. If he ate both by mistake, he is not liable.
4. If he ate both intentionally:
 - a. If he ate the condition loaf (B) first, he incurs lashes for eating the prohibited loaf (A).
 - b. If he ate the prohibited loaf first, the warning was a doubtful one, since it is valid only if he later eats the condition

loaf (B). Rabbi Yochanan, who considers a doubtful warning valid, maintains that he incurs lashes, while Rish Lakish, who does not consider it valid, exempts him.

If he prohibited two loaves upon himself conditionally, and he made the prohibition of one loaf dependent on the eating of the other (*i.e.*, *I won't eat loaf A if I eat loaf B, and I won't eat loaf B if I eat loaf A*):

1. He ate each loaf, forgetting its prohibition, but remembering that it's the condition for the other one's prohibition, he is liable.
2. He ate both by mistake, he is not liable.
3. He ate both intentionally, he is liable for the second, while the first one is a case of a doubtful warning, and depends on Rish Lakish and Rabbi Yochanan's dispute above.

Rava's principle is that one must be aware of his oath at the time that it takes effect in order to be liable for violating it.

Rav Mari's proves this premise from a *Mishnah* in Nedarim. The *Mishnah*, which enumerates permitted *nederim*, lists a mistaken *neder*. The *Mishnah* explains that it is a *neder* in which someone says, "This object shall be prohibited to me as konam if I ate or drank today," and he then remembered that he already ate or drank, or if he said, "if I will eat or drink today," and he then ate or drank, while forgetting his *neder*. He is permitted (to benefit from the object), since he forgot about the *neder* when it should have taken effect. And a Baraisa taught regarding this that mistaken oaths are permitted just like a mistaken *neder*, indicating that an oath is not in effect if he forgot it at the point it should have taken effect. (28a2 – 28b2)

Think again...

Aifa learned about *shavuos* with Rabbah. His brother Avimi met him, and asked him a series of questions:

1. If one said, "I take an oath that I have not eaten today," and then he says again, "I take an oath that I have not eaten today," what is the law (is he liable for the second oath as well)? Aifa said that this is like our *Mishnah*, and he is liable only for the first, since the second oath cannot take effect on the existing one. Avimi told him that he erred, since in this case, once the first oath emerged from his mouth as a falsehood, that oath is finished, and does not preclude the second oath from taking effect. He is therefore liable for both.
2. If one said, "I take an oath not to eat nine figs," and then he took an oath not to eat ten figs, what is the law? Aifa said that he is liable for both, since the second is more inclusive. Avimi told him that he erred, since if he cannot eat nine figs, he certainly cannot eat ten (and since that's included in the first oath, the second oath does not add anything, and it therefore does not take effect).
3. If one said, "I take an oath not to eat ten figs," and then he took an oath not to eat nine figs, what is the law? Aifa said that he is liable only for the first, since nine is included in ten. Avimi told him he erred, since the second oath is more inclusive. The first one prohibits him from eating ten pieces, but he is permitted to eat nine, while the second one prohibits him from eating even just nine.

Abaye says that Aifa can be correct in the last case, based on a case that Rabbah taught. Rabbah discusses one who said, "I take an oath not to eat both figs and grapes," and then he said, "I take an oath not to eat even just figs." The second oath is more inclusive, as the first one allowed him to eat figs, as long as he did not eat grapes, while the second one prohibited figs on their own.

Rava says that if he mistakenly ate figs, and designated a sacrifice, and then ate grapes, he is not liable for the grapes. Since he designated the sacrifice for the figs, they cannot combine with the grapes, making the grapes akin to less than the required amount of a prohibited food. Similarly, if he took an oath not to eat ten pieces, and then took an oath not to eat nine, both oaths are in effect, as Avimi explained. If he mistakenly ate nine, designated his sacrifice, and then ate one more, the first nine cannot combine with the last piece, and he is not obligated in a sacrifice for the first oath. (28b2 – 29a1)

INSIGHTS TO THE DAF

Who's on First?

Rava discusses one who took an oath not to eat one loaf (A) if he eats a different loaf (B). Rava details each case, referring to the “first” and “second” loaves.

Rashi explains that “first” refers to the one in the conditional clause (B). Since it is the one which triggers the oath, the person must remember his oath when eating this one in order for the oath to take effect.

Rabbeinu Chananel, cited in Tosfos (28a Amar), agrees to Rashi's principle, but says that “first” refers to the prohibited loaf (A), and has the opposite text of Rashi.

Rabbeinu Tam, cited in Tosfos, says that both “first” and “second” refer exclusively to the physical order, independent of which loaf was actually first. Rabbeinu Tam says that the oath takes effect when the person first eats a loaf, and that act must be intentional.

DAILY MASHAL

No More Excuses

As stated in our sugya, the oath of a person who swears to observe a mitzvah has no validity. On the other hand, the Gemara in Nedarim 8a says, “How do we know that one can swear to observe a mitzvah? We are told: ‘I swore and shall uphold to observe the judgments of your righteousness’. But isn't he sworn from Mount Sinai? But this tells us that a person is allowed to urge himself.” In other words, a person is permitted to swear to observe a mitzvah of the Torah to urge himself to uphold it.

The Stiepler Gaon zt”l offered the following explanation: When lazy about a certain mitzvah, people tend to find an excuse that in certain circumstances they are exempt from observing it. But when a person swears to urge himself to observe it, his oath reminds him: “What's with you? If you're exempt from the mitzvah, you're still bound by your oath to observe it” (Kehilos Ya'akov, Nedarim, §10).