



Cancelling Future Nedarim

The third *perek* opens by listing the four types of *nedarim* that the *Chachamim* were *matir*. In other words, these *nedarim* are automatically cancelled and are not binding. The first, is *nidrei zeiruzim*. The *Mishnah* (3:1) explains that these *nedarim* were not sincere and only made to encourage or influence another party. According to the *Chachamim*, these are *nederim* made during bargaining, while *R' Elazar ben Yaakov* also includes those made when trying to persuade a potential a guest. The *Mishnah* continues that if one declared that all future *nedarim* are null and void, then the condition would be effective provided that "he remembers the condition and the time he makes the future *neder*". How does this declaration works and what relevance does it have to *nidrei zeiruzim*?

The *Gemara* asks that if the person remembered the condition at the time of the future *neder*, then it should be considered as if he cancelled that condition and the *neder* should be binding. *Abaye* responds that the *Mishnah* should be understood as ruling that the condition works as long as he does **not** remember the condition at the time of the *neder*. *Rava* however maintains the version of the *Mishnah* that we have and explains that in our case, the person remembered that he made the condition but does not remember the details, i.e. which *nedarim* were covered by the declaration. Consequently, at the time of the *neder* he declares that he is doing so based on the condition he made previously. If however does not say that this *neder* is based on the previous condition, since he remembers that he made that condition, it would be considered as if he is annulling that stipulation and the *neder* would work.

The *Ran* explains that *Rava* agrees with *Abaye* that if the person does not remember the condition at the time of the *neder*, then the *neder* does not take hold. They continue that this explains the practice of reciting *kol nidrei* as constituting such a stipulation that would apply to future *nedarim*. (The *Ran* finds the *kol nidrei* text difficult as it appears the

declaration applies to past *nedarim* as well, for which this declaration would not effect. Ultimately the *Ran* is against the practice as it runs the risk of people treating *nedarim* lightly.)

The *Tosfot*, citing the *Ri* however explains that *Rava* argues that only if he remembered the condition at the time of the *neder* would the condition work. If he however forgot the condition, the *neder* would be binding since it is clear his intention now is for the *neder* to take hold. This appears to be the opinion of the *Bartenura* also, who adds that if however at the time of the *neder* he remembers and intends to undo that condition, then the *neder* would work. The *Tosfot* however find this position difficult, because the *Gemara* raised the argument that if one remembered the condition at the time of the *neder*, it would be considered as if he cancelled the condition. The *Tosfot* understands that this position is assumed, and it is difficult to understand that *Rava* is arguing with this premise. Consequently, the *Tosfot* ultimately adopts the position of the (*Rabeinu Tam* and) *Ran* above.¹

The *Chatam Sofer* questions the relevance this law has to the focus of our *Mishnah* – *nidrei zeiruzim*. The *Chatam Sofer* answers that this category of *nedarim*, that are automatically considered cancelled, relies on this law. In other words, the only way that the *Chachamim* could cancel *nidrei zeiruzim* is because it is as if *Yisrael* and *Beit Din* stipulated from the outset that all *nedarim* that people would make in order to influence or convince others are considered cancelled. Consequently, any *nedarim* made are considered as if they are based on that condition. Even if he is unaware of that condition, "*lev beit din matne*", *Beit Din* apply it to all *nedarim*. The *Chatam Sofer* argues that one must understand *nidrei zeiruzim* in this way, since we do not find a direct source for this exception recorded in the *Torah*.²

Yisrael Bankier

¹ See *Shulchan Aruch* YD 211:2, that appears to be concerned for both understandings of *Rava's* opinion. Similarly see the *Rama* YD 211:1 that cautions against relying on *kol nidrei* to cancel *nedarim*.

² One might suggest that this supports the position of the *Ran* because the general condition of the *nidrei zeiruzim* applies even though one is not aware of existence. Nevertheless, one could argue that this condition is different since the *Chatam Sofer* explains that it works universally through *lev beit din matne*.

Revision Questions

נדרים א': ב' – ג': ו')

- When making a *neder* what are the three *kinyan* for: (א': ב')
- *Korban*?
- *Cherem*?
- *Nazir*?
- *Shvuah*?
- Is the following a valid *neder*: (ג': א')
- "פיגול יהא מאכלך עלי"
- "יהא מאכלך עלי כאמרא"
- "ירושלים דבר זה עלי"
- Explain the debate regarding the following *neder*: "עולה איני אוכל לך". (א': ד')
- Is the following a valid *neder*: "קונם רגלי מהלכת עמך". (א': ד')
- Is the following a valid *neder*: "חלני שאכל לך כבשר חזיר". (א': ב')
- What is the law regarding a man the makes the following *neder* to his wife: "הרי את עלי כאמא". (א': ב')
- What is the difference between one who says "קונם שאיני ישן" and "שבועה ישן". (א': ב')
- In what respect is a *shvuah* more strict than a *neder*? (ב': ב')
- In what two ways is a *neder* more strict than a *shvuah*? (ב': ב'-ג')
- Provide two examples of the following principle: (ד': ב')
"סתם נדרים להחמיר ופרושם להקל"
- Explain the debate regarding a case where one used "*cherem*" when making a *neder* then later explained he was referring to fish nets (*charmo shel yam*). (ב': ה')
- What are the four categories of *neder* that are automatically cancelled? (א': ג')
- Which category of *neder* is one that is made:
 - In the heat of a commercial transaction? (א': ג')
 - As follows: "קונם אם לא ראיתי בדרך הזה כיוצאי מצרים". (ב': ג')
 - Based on the fact that he had not eaten, then later he remembers he ate? (ג': ב')
- What are *nidrei onsin*? (ג': ד')
- Explain the debate regarding whether the law apply to *nidrei onsin* also applies to *shvu'ot*? (ג': ד')
- What are the three points of debate between *Beit Shammai* and *Beit Hillel* regarding *nidrei onsin*? (ג': ד')
- With respect to *nidrei hekdes*, if one was *noder* a *tallit* after what wording of the *neder* can the *tallit* be redeemed, and when can it not be redeemed? (ג': ה')
- If someone made a *neder* from benefiting from "yoshvei yabasha" can he get benefit from "yordei yam"? (ג': ו')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
http://www.dafyomi.co.il/calend
ars/myomi/myomi-thisweek.htm

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
In US dial: 718 906 6400
Then select: 1 – 2 – 4

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
3 June כ"ג סיון	4 June כ"ד סיון	5 June כ"ה סיון	6 June כ"ו סיון	7 June כ"ז סיון	8 June כ"ח סיון	9 June כ"ט סיון
Nedarim 3:7-8	Nedarim 3:9-10	Nedarim 3:11-8	Nedarim 4:2-3	Nedarim 4:4-5	Nedarim 4:6-7	Nedarim 4:8-5:1

