



Nidrei Havai

The third *perek* opens by listing four types of *nederim* that the *Chachamim* were *matir*. In other words, there are certain contexts in which a *neder* is automatically undone without the need for a *chacham*. One of these is the *nidrei havai*.

The *Tosfot Yom Tov* provides two explanations for *nidrei havai*. The first is that it is a *neder* based on an exaggeration. This is the opinion of the *Rambam*, *Rosh* and *Bartenura*. The *Ran* (20b) however explains that it is a meaningless *neder*.

The next *Mishnah* brings the following examples. The first is if someone says that an object is *assur*, if he did not see people passing this way that equaled the number of people that left Egypt. The second, is if he said that the *neder* would be binding if he did not see a snake like the beam in a olive press. The *Gemara* (25a) explains that the similarity to the beam is not in size, since there are indeed very large snakes, but rather the chipped texture.

The *Ran* (24b) maintains that we learn from the *Mishnah* that there are two types of *nidrei havai*. The first is where one exaggerated. In other words, it is common when referring to a large number of people, for someone to exaggerate. The second case that relates to the beam, is not an exaggeration since no snake has that texture at all. These types of *nidrei havai* do not take hold for different reasons. In the first case, the condition is not fulfilled since we are assuming that the person did indeed see lots of people, even if it was less than the six hundred thousand. In other words, the intention was that the *neder* would take hold if he did not see a lot of people. The reference to those that left Egypt is understood as an exaggeration and not taken literally. In the second case however, since it is impossible for a snake to have that texture, we disregard the *neder*. That is because we assess that the person never really had the intention to make the *neder* binding. Otherwise, instead of hinging the negation of the *neder* on something impossible, the person would have made the *neder* without any condition. We therefore understand that the individual simply wanted to make fanciful claims.

The *Ran* uses this explanation to explain that example cases brought for a *shevuot shav* – an empty *shevua* that is punishable with lashes. The examples that the *Mishnah* brings is if someone made a *shevuah*, if they did not see a flying camel. The *Ran* notes that only impossible cases are chosen. The *Mishnah* does not bring the first type, cases of exaggeration, because the substance of the *shevuah* would be true (albeit exaggerated) and not *shav*.

The *Tosfot* however understand that both cases in our *Mishnah* are those of exaggeration. They explain that if people see something out of the ordinary, they will swear to strengthen their claim but never really intend to make anything prohibited by way of a *neder*. Importantly however, the *Tosfot* explain that this would only be true if the person saw people or a snake. Otherwise, it would not qualify as *nidrei havai* and the condition would be considered fulfilled and the *neder* binding. What does the *Ran* maintain in this case?

The *Beit Yosef* (332, s.v. *ma'shekatav rabeinu*) cites the *Ran* (*Shevuot* 12a) that similarly writes that the *neder* would be binding if the person did not see “a lot of people”. The *Beit Yosef* finds this difficult because it would be hard to quantify “a lot of people”. The *Shach* (232:7) however explains that it would be the amount of people for which using such an exaggeration would be relevant.

The *Darkei Moshe* however finds the following distinction of the *Ran* difficult. While the *neder* would be binding if he did not see a lot of people, in the second case the *neder* would not hold, even if the person did not see a snake.

The *Derisha* however answers this question based on the two categories that the *Ran* defined above. The first category that assumes the person exaggerated, would only be relevant if indeed he did exaggerate. Consequently, the person would have need to have seen a crowd of people for it to be defined as *nidrei havai*. The second category however is not based on an exaggeration, but rather understands that since the condition for the *neder* not to take hold was impossible, the person did not sincerely wish to make the *neder*. In that case it does not matter whether the person really saw a snake.

Revision Questions

נדרים ג' א' – ד' ג'

- 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: "יקונם 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'-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 hekdesb*, if one was *noder* a *tallit* after what wording of the *neder* can the *tallit* be redeemed, and when can it not be redeemed? (ה': ג')
- If someone made a *neder* from benefiting from "yoshvei yabasha" can he get benefit from "yordei yam"? (ו': ג')
- If someone made a *neder* from benefiting from "ro'ei ha'chamah" can he get benefit from a blind person? (ז': ג')
- Which people are implied by one who makes a *neder* from gaining benefit from "sh'churei rosh"? (ח': ג')
- Explain the debate regarding the term "noldim" used in a *neder*. (ט': ג')
- Who is excluded from the term "olei Yerushalaim" yet included in the term "shovtei Shabbat"? (י': ג')
- Who is included in the term "zera Avraham"? (יא': ג')
- If someone made a *neder* against an *Yisrael* gaining benefit from him, can he continue to do business with an *Yisrael*? (יב': ג')
- Which *areilim* are not included in the term "areilim"? (יג': ג')
- How many covenants were made over the *brit millah*? (יד': ג')
- Why does *Rebbi* hold that *brit millah* is important ("gedolah")? (טו': ג')
- What is the difference between one that makes a *neder* against gaining benefit from his friend and one that makes a *neder* against gaining food related benefit? (טז': ד')
- If a person makes a *neder* preventing any benefit from his friend, can his friend:
 - return his lost object? (יז': ב')
 - teach him *Torah*? (Careful)
 - provide food for his family?
 - provide food for his animals? (יח': ג')

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Next Week's Mishnayot...

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

