



Nidrei Onsin

The third *perek* opens by listing four categories of *nedarim* that do not need dissolution – they are by definition annulled. One of these categories is *nidrei onsin* - “forced” *nedarim*. The *Mishnah* divides this category in two – *nedarim* where the fulfilment of the condition is beyond one’s control (3:3) and *nedarim* where the person is “forced” to make them (3:4). We shall focus on the first of these sub-categories.

The example the *Mishnah* brings to illustrate is where one makes a *neder* such that if his friend does not attend a meal at his house then all his property will be prohibited to his friend. Unfortunately, at the allotted time, his friend was unable to attend for reasons beyond his control. Either his friend was unwell or his friend’s son was unwell or a swelled river blocked his path (and there would be an expense to ensure safe passage).

Now even though the case appears much like the category or *nidrei zeruzim* – *nedarim* made to convince or push another person – the *mefarshim* explains that there is a difference. In this case the friend wanted to come anyway; he needed no convincing. The friend however needed the *neder* to be made in order deflect other competing invitations. This being so, all such cases are defined as *nidrei onsin* and the *neder* never takes hold. Why?

The *Ran* (27a) explains the intention at the time of the *neder* was that it would take effect if his friend was able to come, but wilfully chose not to. If however there was even a minor *ones*, e.g. needing to care for his sick son, then that was never intended at the time of the *neder*. Importantly, the basis of this exemption is logic.

The *Ritva* here, in contrast, learns that source of the exemption is based on the *pasuk* “...anything that a person will swear” (*ha’adam bi’shvuah*) (*Vayikra* 5:4). The *Gemara* in *Shevu’ot* (26b) learns from this *pasuk* that one’s heart (what he thinks) and his lips (what he articulates) must be in sync when making *nedarim* or *shevu’ot*. The *Ritva* explain while it is true that there is a general principle that in the case of *ones* one is exempt, the *pasuk* is required in our case to teach the one is exempt even in minor cases of *ones* like the one’s stated in our *Mishnah*. In other words the scope of the exemption for *nedarim* is broader.

Interestingly the *Ritva* in *Shevu’ot* (26a) explicitly states that the exemption is not based on the *pasuk* but derived from logic. This is contradiction to the *Ritva* here and in line with the *Ran*’s explanation above.

One of the other categories of *nedarim* is *nidrei shegagot*, e.g. where one forgot about *neder* at the time he fulfilled the condition to activate it. HaRav Aharon Yafen² notes that the *Ritva* in *Shevuot* explains that that exemption is based on the *pasuk* “...*ha’adam bishvuah*”, yet in our case, by *nidrei onsin*, he explains that it is based on logic? He answers that there is a difference between the two cases. In the example of *nidrei shegagot*, the condition of the *neder* was fulfilled with an action. Consequently the *pasuk* is required to teach that the action does not have an effect. In our case by contrast, the *neder* is fulfilled by inaction. Thus logic alone is enough to exempt the *neder*.

Yisrael Yitzchak Bankier

¹ Footnotes on *Ritva Nedarim*, *Mossad HaRav Kook*

Revision Questions

נדרים ב' ד' א' ד' א'

- Provide two examples of the following principle: (ב' ד') "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' ג' ד')
- Explain the debate regarding whether the law apply to *nidrei onsin* also applies to *shvu'ot*? (ד' ג')
- What are the three points of debate between *Beit Shammai* and *Beit Hillel* regarding *nidrei onsin*? (ד' ג')
- 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? (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*? (יא' ג')
- Which *areilim* are not included in the term "areilim"? (יא' ג')
- How many covenants were made over the *brit millah*? (יא' ג')
- Why does *Rebbi* hold that *brit millah* is important ("gedolah")? (יא' 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? (יא' ד')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha'Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

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

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/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
9 th September כ"ב אלול	10 th September כ"ג אלול	11 th September כ"ד אלול	12 th September כ"ה אלול	13 th September כ"ו אלול	14 th September כ"ז אלול	15 th September כ"ח אלול
Nedarim 4:2-3	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

