

Nedarim Daf 14

The Daf starts with the continuation of the proof that our Mishna cannot be the shita of R' Meir. The Mishna listed the case of חולין שאוכל לך that is mutur. The Mishna implies that the reason this case is mutur is because the person just said חולין לך שאוכל but if he would have said לחולין לך שאוכל, then it would be assur.

The reason for this is because when he says לחולין, this means it should not be chullin but rather it should be korban, and as such, the food will be assur. But this implication is only valid if you hold מפקל לאו אתה שומע הך. The Gemara is now in the middle of saying that R' Meir does not hold that one can make this implication, and as such, he cannot be the author of the Mishna.

From a no one can hear (imply) a yes but rather (is the Mishna really) R' Yehuda! but this is the raysha

לאו
אתה שומע הן
ואלא
רבי יהודה
היינו רישא

The Mishna on Daf Yud already told us that if a person says "לחולין שאוכל לך", the neder will be effective. The Gemara there explains that this is because the author of this halacha is R' Yehuda who holds מפקל לאו אתה שומע הך. Therefore, if the point of our Mishna saying the case of חולין שאוכל לך is to teach us that it the person would have said לחולין שאוכל לך, it would be assur, then apparently our Mishna would be teaching us something that we already know. If so, we need an explanation of why our Mishna would tell us a case that seems to be unnecessary.

The Gemara answers:
Since the Mishna taught (the case of) "like the meat of a chazir" (and the case of) "like an avodah zora" for this (reason) it taught (the case of saying it should be) chullin

אידי דקתני
כבשר
חזיר
פעבודה זרה
להכי קתני
חולין

The Ran explains that in reality there is no intrinsic reason why the Tanna lists this case and we do not learn anything from it, however the way of the Tanna is that once he is listing cases in which the neder is not effective, he lists many cases in which they are not effective even if there is no chiddush in the case. Tosefos points out that now that we are saying that the point of the Mishna is not to make a diyuk and say that the case of לחולין לך שאוכל would be assur, our Mishna could even be in

accordance with R' Meir (as it could be that if the person would say "La'chullin, this would also not be a valid neder).

The Gemara brings another answer as to why our Mishna brought the case of חולין שאוכל לך.

Ravina said
this is how it should be learned
"And these are mutur (if he says it should) be like chullin (or) like the meat of a pig (or) like an avodah zora

רבינא אמר
הכי קתני
ואלו מותרין
כחולין
כבשר חזיר
פעבודה זרה

When a person says that food should be like chullin, the neder is obviously not effective as he compared the food to something that is mutur. That is, not only is this neder not effective M'Dorayisa, but it is not even effective M'Drabbanan, and the person would not need שאלא (i.e., he would not need a Chacham to say that the neder is permissible.).

Ravina is now answering that the reason that the Tanna said the case of חולין שאוכל לך, is to say, that just like in this case one does not need שאלא, so too when you do התפקס with the meat of a pig or with avodah zora. And the reason the Tanna needed to tell us this is in order not to compare making התפקס with pig meat or avodah zora with making התפקס with one's mother. The sayfa of our Mishna teaches us that if one is מתפס with his mother, although M'Dorayisa the neder is not effective, the person still needs שאלא. Therefore, because we have the sayfa, the Tanna comes to teach us that it is specifically in that case that one needs שאלא but not in these cases.

But on this the Gemara asks:
But if it would not have taught (the case of the person saying) "Chullin"... I would have said that it needs shayla but is there (a possibility) to think like this but from this that it was taught (in the) sayfa one who says to this wife "You are to me like (your) mother" we open for him a 'pesach' from another place this implies that (in the cases of the) raysha

ואי לא תנא
חולין
הוה אמינא
בעי שאלא
וימי איכא
לאסוקי על דעתא הכי
הא מדקתני
סיפא
האומר לאשתו
הרי את עלי
כאימא
פותחין לו פתח
ממקום אחר
מפקל
דרישא

he does not need shayla

לא בעיני שאלה

Ravina had answered that the reason the Tanna listed the case of חולין שאוכל לך is to teach us that in the case of being מתפיס with pig meat or avodah zora, the person does not need שאלה. But this seems unnecessary.

The clear implication of the Mishna is that שאלה is only needed in the sayfa and not the raysha. If so, how can we say that the Tanna needed to list the case of חולין שאוכל לך in order to teach us a halacha that we already know?

As a result of this question the Gemara answers as it did before, that although there is no intrinsic reason for the Tanna to list this case, once the Tanna lists all the other cases, the Tanna lists this case as well.

Rather it is clear

אלא מתורתא

(the case of saying chullin ..)

חולין

was taught 'for not intrinsic reason'

ממילא נסבה

The Source that One Can be מתפיס in a דבר הנדור ולא

בדבר האסור

How do we know⁸²

מנהני מילי

the posuk says (Bamidbar 30:3)

אמר קרא

“A man when he will make a neder to Hashem”

איש כי ידר נדר לה'

This posuk implies that the neder is not effective:

Until he makes a neder

עד שידור

with something

בדבר

that became assur from a neder

הנדור

But on this drasha the Gemara asks:

If so

אי הכי

even

אפילו

with something that is (intrinsically) assur (the hatfasa should) also (work)

בדבר האסור

נמי

for it is written (at the end of the posuk)

דהא כתיב

“to make an issur on

לאסור אסור

yourself (lit. your soul)”

על נפשו

If the double expression of ידר נדר teaches that one can be מתפיס in a דבר הנדור, then the double expression of לאסור אסור should teach that one can be מתפיס in a דבר האסור.

⁸² What the Gemara is Trying to Prove?

The Ran explains that the Gemara is not trying to prove that being מתפיס with a דבר הנדור works, because for this no posuk is needed. Being מתפיס with a דבר הנדור is not worse than a יד, and if so, no posuk would be needed to

The Gemara answers:

(The double expression of) is needed (to teach a different halacha)

לאסור אסור

מבעי ליה

as we learned in a Baraisa

לכדתניא

What is the issur of (hatfasa)

איזהו איסור

that is said in the Torah etc. '

האמור בתורה כו

Earlier on daf yud bais, the Gemara quoted the Baraisa that taught us that the words לאסור אסור teach us that one can even be מתפיס in the day that one's father died. That is, even though this issur (of fasting one the day this person's father died) is only an issur for this particular person, it still qualifies as a דבר הנדור that one can be מתפיס in.

If so, that the words לאסור אסור come to teach us this halacha, they cannot longer be used to teach us that one can be מתפיס in a דבר האסור, and as such, we are left with the posuk that teaches us that one can be מתפיס in a דבר הנדור ולא בדבר האסור

When is שאלה Needed for Someone Who is מתפיס with

a דבר האסור?

The Mishna taught:

One who says to his wife

האומר לאשתי

“You are to me like (my) mother”

הרי את כאימא כו'

The Mishna taught that if a person says that his wife should be like his mother, that is, the same way his mother is assur to him, his wife should be assur as well, this neder is not effective but still needs שאלה (in order that this person should not take making nedarim lightly).

And on this the Gemara asks:

But there is a contradiction (from the following ורמינהו Baraisa)

(If a person says to his wife) “You should be to me הרי את עלי

like the basar (flesh) of (my) mother

כבשר אימא

(or) like the basar of my sister

כבשר אחותי

(or) like orlah

קערלה

(or) like kelayim of a vineyard

וככלאי הקרם

(in all these cases) he has not said anything)

לא אמר כלום

In all of these cases, the person compared his wife to a דבר הנדור and the Baraisa said that with his neder he has said nothing, i.e., his words accomplished nothing. But why is that?

teach for this. Rather what the Gemara is doing is showing from the posuk that it is specifically a דבר הנדור that works but not a דבר האסור.

Our Mishna said that when one compares his wife to a דָּבָר הַאֲסוּר, although the neder is not effective, it still needs שְׁאֵלָה. If so, how could this Baraisa say that he did nothing with his neder?

The Gemara gives two answers:

Abaya said	אָמַר אַבְיָי
(when the Baraisa said that) he said nothing	לֹא אָמַר כְּלוּם
(this means M'Dorayisa)	מִדְּאוֹרַיִסָּא
and (he still) needs	וְצָרִיךְ
shayla M'Drabbanan	שְׁאֵלָה מִדְּרַבְּבַנָּן

Rava said	רַבָּא אָמַר
this (where one does not need shayla)	הָא
refers to talmidei chachamim	בְּתַלְמִידֵי חֲכָמִים
(and) this (where you do need shayla)	הָא
refers to an ignorant person	בְּעַם הָאֲרָץ

Abaya answered that when the Baraisa said the person didn't say anything, this just means that he said nothing on a M'Dorayisa level (i.e., M'Dorayisa the neder was not effective at all), but the Chachamim were still nervous that people would come to take making nedarim against one's wife lightly, and as such, they required shayla for this neder.

Rava answers that since the only reason the Chachamim required shayla was to prevent people from taking these

nedarim lightly, this concern is only applicable to the ignorant people and not to the talmidei chachamim. That is, when the Mishna said you do need shayla, this refers only to the ignorant people, and when the Baraisa says that the person has said nothing, the is refers to the talmidei chachamim.

And we learned in a Baraisa (like this distinction)	וְהִתְנַיָּא
one who makes a neder	הַנּוֹדֵר
with the Torah	בְּתוֹרָה
has not said anything	לֹא אָמַר כְּלוּם
and R' Yochanan said	וְאָמַר רַבִּי יוֹחָנָן
(that this person still) needs	וְצָרִיךְ
shayla from a Chacham	שְׁאֵלָה לְחֲכָם
and R' Nachman said	וְאָמַר רַב נַחְמָן
and a talmid Chacham	וְתַלְמִיד חֲכָם
does not need shayla	אִינוּ צָרִיךְ שְׁאֵלָה

The Gemara on the next daf will bring the complete Baraisa that tells us that if a person makes a neder with the Torah (i.e., he is מְתַפְּסֵי with the Torah) the person has said nothing (the Baraisa will explain the reason for this). And yet, despite the fact that that Baraisa says that the person has said nothing, an am ha'aretz will still need shayla. And if so, we have proven what the Gemara said, that even when a Baraisa says that it is as if the person has not said anything, this could still mean that an am haaretz will need shayla.

Nedarim 14b

**The Various Cases of Being Making a Shevuah
with A Sefer Torah**

We learned in a Baraisa	תְּנִינָא
one who makes a 'shevuah'	הַנּוֹדֵר
with a Sefer Torah	בְּתוֹרָה
he has not said anything	לֹא אָמַר כְּלוּם
(But if he makes a shevuah) with what	בְּמָה
is written in it	שְׁכָתוּב בָּהּ
his words are effective	דְּבָרָיו קַיָּמִין
(And if he makes a shevuah) with it	בָּהּ
and with what is written in it	וּבְמָה שְׁכָתוּב בָּהּ
his words are effective	דְּבָרָיו קַיָּמִין

The Ran explains that although the Baraisa says he made a neder with the Sefer Torah, in reality the intent of the Baraisos is to describe a case in which he made a shevuah. That is, many times the Tanna will use the term 'neder' even when describing someone making a shevuah.

The case is that there is a sefer ⁸³Torah in front of this person and he says, "By this Sefer Torah I will do this action". The Baraisa tells us that this shevuah is not effective as we assume that the person means to make a shevuah with the actual Torah, that is, with the parchment of the Torah and such a shevuah is not effective.

However, if the person says that he is making his shevuah with what is written in it, i.e., with the names of Hashem that are written in the Sefer Torah, then his shevuah will be effective as he is swearing with the name of Hashem which is a valid shevuah.

The Baraisa listed three cases:

1. In the first one, the person said that he is making a shevuah with the Sefer Torah and the shevuah is not effective.
2. In the second case, he says he is making a shevuah with what is written in the Sefer Torah and the shevuah is effective.

⁸³ **The Shita of the Raavad – התפוסה with a Sefer Torah**

The Ran quotes the shita of the Raavad who holds that our Gemara is dealing with a case in which the person makes a neder by being מתפוס with a Sefer Torah. According to this, the point of the Gemara is the same. If he says that he is making a neder with the Sefer Torah, then we say the neder is not effective as we assume he means to be מתפוס with the parchment of the Sefer

3. The Baraisa then brings a third case in which the person makes a shevuah with the Sefer Torah and with what is written in it, and this case is also effective. The Gemara now questions the need for this third case.

We learned in the Baraisa	קְתַנִּי
(the case in which he makes a shevuah) with what	בְּמָה
is written in it	שְׁכָתוּב בָּהּ
(and the Baraisa told us) that his words	דְּבָרָיו
are effective	קַיָּמִין
(but if so the case in which he says) with it	בָּהּ
and with what is written in it	וּבְמָה שְׁכָתוּב בָּהּ
do we (really) need to say	צָרִיךְ לְמַיְמַר

The point of the first two cases is to tell us that when a person makes a shevuah with a Sefer Torah, we assume his intent is to swear by the parchment of the Sefer Torah, and as such, the shevuah is not effective. But if he swears with what is written in the Sefer Torah, then his shevuah will be effective. In other words, the problem with swearing with the Sefer Torah is not that there is something intrinsically wrong with making a shevuah with a Sefer Torah but rather it is simply ineffective as the parchment of a sefer Torah has no 'power' as far as making a shevuah. But if so, there should be no reason why swearing by the Torah and what is written in it should not work. Once a person mentions that he is swearing by what is written in the Sefer Torah, this should create a shevuah, and the fact that he also said with the Torah should not have any effect.

In other words, once we know that the second case of the Baraisa creates a shevuah, there should be no reason why the third case should not work. If so, we need to understand why the Baraisa mentions this case if it is not needed.

The Gemara gives three answers to this question. The Gemara starts with the first answer.

Rav Nachman said	אָמַר רַב נַחְמָן
it is not difficult	לָא קְשִׁינָא
this case	הָא
is referring where the Torah is resting	דְּמַחְתָּא אוּרְיָתָא
on the ground	אַאֲרָעָא
and this case	הָא
is referring to where he is holding it	דְּנִקִּיט לָהּ

Torah. However, if he says that he is being מתפוס with what is written in the Sefer Torah, then we say that he is being מתפוס with the names of Hashem. The Ran explains that the names of Hashem are considered as דְּבַר הַקְּדוּשָׁה is created by the person writing them. Another explanation could be that when he is being מתפוס with what is written in the Torah, he is referring to the korbanos that are written in the Torah.

in his hand בידיה
 When it is resting on the ground מחנתא על ארעא
 his mind is on the parchment דעתיה אגוילי
 (and) when he is holding it in his hand נקט לה בידיה
 his mind is דעתיה
 on the 'names' (of Hashem) על האזכרות
 that are in it שבה

Rav Nachman answers that when the Torah is on the ground the person's mind is on the parchment. Therefore, even if the person says, "with what is in it", he has in mind to make a shevuah with the parchment and the shevuah would therefore not be effective.

If, however, he says both "with it" and "and with what is in it", since he already mentioned, "with it", when he adds the words "and with what is in it" these extra words come to say that he is swearing with the names of Hashem, and as such, the shevuah will be effective.

If, however, he is holding the Sefer Torah, then since his mind is on what is written in the Sefer Torah, when he says just the words "with what is in it", we assume that he means to swear with the names of Hashem, and he does not have to say both "with it" and "with what is in it". But according to this answer, even when the person is holding the Sefer Torah, if he says just "with it", we assume his mind is on the parchment and the shevuah will not be effective.

To summarize: According to Rav Nachman the difference between the case in which the sefer Torah is laying on the ground and when he is holding it is with regard to what happens when the person just says "with what is in it. If the person is holding the sefer Torah, this will create a neder but if it is laying on the ground it will not work (i.e., when the sefer Torah is on the ground neither individual phrase will work and he will have to say both of them in order to effect a neder but if he is holding it then the individual phrase of "with what is in it" will be effective but the phrase "with it" will not be effective). The Gemara gives a second answer to explain the Baraisos.

And if you want to say ואיבעית אימא
 (we are discussing a case in which) it is on דמחנתא
 the ground על ארעא
 and this is coming to teach us והא קא משמע לן
 that even though דאף על גב
 it is on the ground דמחנתא על ארעא
 since he said כיון דאמר
 with what is written in it במה שכתוב בה

it helps (to create the shevuah) מהני
 and the Baraisa is teaching us in the והוא ואינו צריך לומר זו קתני
 "this one and I don't need to say this one" format

The second answer of the Gemara explains that when the Baraisa tells us that the case that works is the case of him saying that "what is written in it" this refers to when the Torah is on the ground. And this that the Baraisa continues and says that if the person says the double expression of "with it and with what is written in it" the shevuah is effective, the reason the Baraisa says it, is not because it is needed but rather the Baraisa will sometimes say two halachas in this manner (that is, the Baraisa will sometimes say that this halacha is true and certainly this halacha is true, even though we could deduced the second halacha on our own). According to this answer, the entire Baraisa is referring to a case in which the Torah is on the ground and not in his hand.

We have explained the Gemara according to our girsa. The Mefarshim point out that seemingly the Ran had a different girsa in the Gemara עיי שם.

The Gemara gives a third answer to explain the Baraisos.

And if you ואי בעית אימא
 the entire middle case כולה מציעתא
 is also (referring to a case) נמי
 that he is holding it in his hand דנקיט ליה בידיה
 and this comes to teach us והא קא משמע לן
 since he is holding it in his hand כיון דנקיט ליה בידיה
 even though אף על גב
 he did not say only "with it" דלא אמר אלא בה
 it is as if he said כמאן דאמר
 "with what is written in it" במה שכתוב בה דמי

The Ran explains that according to this answer, the first two cases of the Baraisa refer to when the Torah is on the ground and the last case refers to when he is holding it. That is, if the Torah is on the ground, then in order for the shevuah to be effective is it not enough to say, "with it" but rather he must say "with what is written in it". The third case comes to teach us that if the person is holding the Sefer Torah, even if he just says, "with it" it is as if he said, "with what is written in it", and as such, the shevuah will be effective.

Summary of the Three Possibilities of What One Has to Say in Order to Make a Shevuah with a Sefer Torah

A summary of the previous three answers is as follows:

1. If one just says “with it”, according to the first answer the shevuah will never be effective and according to the third answer it will be effective if he is holding the Sefer Torah but not if the Sefer Torah is on the ground (the second answer also holds that saying this does not help if the sefer Torah is on the ground but the second answer does not address the case of saying the words “with it” while he is holding the Sefer Torah).
2. If he says, “with what is written in it”, according to the first answer the shevuah will be effective only if he is holding it but not if the Sefer Torah is on the ground. According to the second and third answer, the shevuah will take effect even if the sefer Torah is on the ground.
3. If he says “with it and with what is written in it” according to all three answers this shevuah will be effective in all cases and it does not make a difference if he is holding it or not.

משנה

(If one says) “Konam that I will sleep”	קֹנָם שְׂאֲנִי וְשֵׁן
(or “Konam) that I speak”	שְׂאֲנִי מְדַבֵּר
(or “Konam) that I go”	שְׂאֲנִי מְהַלֵּךְ
(And) one who says to his wife	הַאֹמֵר לְאִשָּׁה
“Konam that I will live with you”	קֹנָם שְׂאֲנִי מְשִׁמְשֵׁד
(in all these cases) this is	הֲרִי זֶה
(a case of) “He should not desecrate his word”	בְּלֹא יַחַל דְּבָרָו

The Mishna tells us that in all these cases the neder is effective, and if he goes against it, he will transgress the lav of “Lo’ Yachel Divaro” – “He should not desecrate his word (i.e., his neder).

The Ran points out that the proper girsa of all of the cases of the Mishna is שְׂאֲנִי (that I), with one yud and not with two. If the word שְׂאֲנִי would have two yuds, שְׂאֲנִי (that I will not), then the word would be saying that he is making a neder that he will not sleep, talk, etc., as opposed to when he says שְׂאֲנִי which means that he is saying that his sleep should be assur.

And as we previously learned, a fundamental difference between a shevuah and a neder is that a shevuah forbids the person from doing something and a neder forbids an object. Therefore, if this person is coming to make a neder, he has to make the actual sleep assur (the exact case will be explained in

the Gemara), and he cannot be saying that he forbids himself from sleeping.

גמרא

The Various Cases and Shitos with Regard to One Who Forbids Sleep on One Day if He Sleeps on A Different Day

It was said (taught)	אֵיתָמַר
(in the case that one says) “Konam my eyes from sleep today if I sleep tomorrow”	קֹנָם עֵינַי בְּשִׁנָּה הַיּוֹם אִם אֵישׁוֹן לְמָחָר
Rav Yehuda said that Rav said he cannot sleep today	אָמַר רַב יְהוּדָה אָמַר רַב אַל יִשָּׁן הַיּוֹם
maybe he will sleep tomorrow	שְׁמַא יִשָּׁן לְמָחָר
and Rav Nachman said he can sleep today	וְרַב נַחֲמָן אָמַר יִשָּׁן הַיּוֹם
and we are not concerned (that) maybe he will sleep tomorrow	וְלֹא חִיִּישִׁינוּ שְׁמַא יִשָּׁן לְמָחָר

If one says that that his eyes should be assur from sleeping today if he sleeps tomorrow, then we have the following machlokes. Rav Yehuda holds that the person cannot sleep today because we are concerned that perhaps the person will sleep on the next day. And if the person sleeps on the next day, it comes out that retroactively today’s sleep was assur, and the person transgressed his neder.

Rav Nachman, however, is not concerned with this and he allows the person to sleep today. That is, even though by sleeping today the person is setting up the possibility of him transgressing the neder in the event that he does sleep on the next day, Rav Nachman is not concerned. Rav Nachman holds that the person has the right to determine for himself that he is able to refrain from sleep on the next day.

Although there is this machlokes between Rav Yehuda and Rav Nachman, the Gemara tells us:

And Rav Yehuda agrees	וּמוֹדָה רַב יְהוּדָה
(that) in the case in which one says	בְּאוֹמֵר
“Konam my eyes from sleep tomorrow if I sleep today”	קֹנָם עֵינַי בְּשִׁנָּה לְמָחָר אִם אֵישׁוֹן הַיּוֹם
that he is allowed to sleep today	שִׁישָׁן הַיּוֹם