

Nedarim 17A

The last daf ended off with the Gemara bringing another source that a shevuah is not effective to forbid someone from doing a mitzvah. The Gemara now brings the end of that drasha.

(Therefore) it comes to say	תלמוד לומר
(the posuk) that says “for bad	להרע
or for good”	או להיטיב
just like the good(is in regard)	מה הטבה
to a reshus (something that he has the choice to do or not)	רשות
so too the bad	אף הרעה
(is in regard) to a reshus	רשות
this excludes	נצא
one who swears	נשבע
to uproot a mitzvah	לבטל את המצוה
and he does not uproot it	ולא ביטל
for the reshus (the choice to do it or not) is not	שאין הרשות
in his hand (i.e., it is not up to him to do it or not)	בידו

The posuk (Vayikra 5:4) says או נפש כי תשבע לבטא בשפתיים או להרע או להיטיב – “Or if a person will swear with the saying of his lips to do bad or to do good”. The Gemara (Shevuos 27a) understands that the ‘good’ and the ‘bad’ does not refer to something that is good or bad, but rather swearing to do ‘good’ is understood as meaning that he is swearing to do something and swearing to do ‘bad’ is understood as meaning that he swears not to do something.

The Gemara there learns that one can only make a shevuah to do something if the thing that he is swearing about is something that is up to him to do or not. But a shevuah to do something that you must do, i.e., a mitzvah, is not valid.

Based on this drasha, our Gemara now says that since the shevuah to do something is next to the shevuah not to do something, we say that just like with regard to doing something, the shevuah only works on something that is up to him to do, so too with regard to a shevuah not to do something, it is only effective if the shevuah is with regard to something that is up to him to do, i.e., a shevuah that says that he will not do a mitzvah will not be a valid shevuah.

The Gemara now comes to its question. Why do we need two separate sources to teach us the same halacha? If on the previous daf we already have a source that one cannot make a

shevuah to uproot a mitzvah, why would we now need another source for a halacha that we already know?

The Gemara answers:

(We need) one posuk	חד קרא
to exempt him for a ‘korban shevuah’	למיפטריה מקרבן שבועה
and (we need) one (posuk)	וחד
to exempt him	למיפטריה
from the lav (prohibition)	מן לאו
of making a shevuah	דשבועה

The Gemara answers that the posuk of להרע או להיטיב comes to teach us that although normally if a person violates a shevuah בְּשׁוּגָג (inadvertently) he must bring a korban, if a person violates his shevuah not to do a mitzvah, he will not have to bring a korban.

And the posuk of לא יחל דברו comes to teach us that if a person violates his shevuah not to do a mitzvah, this person does not transgress the lav of “Baal Yachel” and he will not receive malkus.

In other words, we need both drashos to teach as that this shevuah is not chal at all, not with regard to bringing a korban and not with regard to receiving malkus. Tosefos points out that although this person will not receive malkus for violating his shevuah, he will receive malkus for making the shevuah in the first place as it is a shevuah in vain but he will not receive malkus for violating the shevuah.

משנה

The Case of נָדַר בְּתוֹךְ נָדַר (that Works) and the Case of שְׁבוּעָה בְּתוֹךְ שְׁבוּעָה (that Does Not Work)

The Mishna now lists another chumrah of nedarim over shevuos.

There is a neder	יש נדר
“in the middle” of a neder	בתוך נדר
(but) there is no shevuah	ואין שבועה
‘in the middle’ of a shevuah	בתוך שבועה
how is this	כיצד
(if) he says “I am a nazir	אמר הריני נזיר
if I eat	אם אוכל
I am a nazir if I eat”	הריני נזיר אם אוכל
and he (then) ate	ואכל

he is chayiv **חַיִּיב**
 on each one (i.e., on each acceptance of **עַל כָּל אַחַת וְאַחַת**
 nezirus)

The Ran explains that even if the person would have just said “I am a nazir, I am a nazir”, this declaration would also obligate him to keep two separate terms of nezirus, and the only reason why the Tanna made this person’s nezirus depend on his eating, is to make this case similar to the case of a shevuah (and in the case of a shevuah the person mentions that he will not eat).

The Ran continues and explains that when a person accepts two terms of nezirus, he has to keep thirty days as a nazir, (as the minimum term of a nazir is thirty days), and he then bring the korbanos that a person brings when he completes a nezirus term. And after he brings these korbanos, he counts another thirty-day nezirus.

The Ran explains that this is called ‘a neder in the middle of a neder’ as the second neder is in reality ‘chal’ (takes effect) simultaneously with the first neder. That is, when the person accepts the nezirus for the second time, it is ‘chal’ right away, but since a person cannot count the days of his second nezirus as he is counting days for the first nezirus, he has no choice but to count the second nezirus after he has finished the first (the halacha is that a person cannot count one day for two obligations of nezirus).

The Ran continues and explains that one cannot explain that the second nezirus is ‘chal’ after thirty days as the person did not accept the nezirus then. He accepted the second nezirus at the beginning of the first thirty days. And if we are going to say that the second nezirus is not ‘chal’ then (as the first nezirus is then ‘chal’), how could it be ‘chal’ later? Nezirus can only be ‘chal’ at the time that it was accepted.

The Ran says that it must be as the Mishna is telling us, that in indeed, with regard to nezirus, one neder can be ‘chal’ in the middle of another neder (for our purposes, nezirus is referred to as a neder as the way one becomes a nazir a by making a neder to do so).

The Mishna continues with the halacha that a shevuah is not ‘chal’ in the middle of a shevuah.

(If a person says) Shevuah **שְׂבוּעָה**
 that I will not eat **שְׁלֹא אוֹכֵל**
 shevuah that I will not eat” **שְׂבוּעָה שְׁלֹא אוֹכֵל**
 and he then ate **וְאָכַל**
 he is only chayiv once **אֵינוֹ חַיִּיב אֶלָּא אַחַת**

The Mishna tells us that although a neder is ‘chal’ in the middle of a neder, with regard to shevuos it is not this way, and therefore, even if the person made two shevuos not to eat, if he does eat, he will only be chayiv once (as the second shevuah was not chal on the first one).

גמרא

The Ran has a girsa of a back-and-forth in the Gemara that is not printed in our Gemara, עיי שם.

The Machlokes Rav Huna and Shmuel if this that **יֵשׁ
נָזַר בְּתוֹךְ נָזַר is only if the Person Added a Day to His
 Nezirus or Not**

Rav Huna said	אָמַר רַב הוּנָא
we did not learn this halacha	לֹא שָׁנוּ
only (in a case) that he said	אֶלָּא דְאָמַר
“I am a nazir today	הֲרִינִי נָזִיר הַיּוֹם
I am a nazir tomorrow”	הֲרִינִי נָזִיר לְמָחָר
that since	דְּמִיגוּ
he added an extra day	דְּקָא מִיתוּסַף יוֹמָא יַתִּירָא
nezirus is ‘chal’ on nezirus	חֵיילָא נְזִירוֹת עַל נְזִירוֹת
but if he said	אֶבְל אָמַר
“I am a nazir today	הֲרִינִי נָזִיר הַיּוֹם
I am a nazir today”	הֲרִינִי נָזִיר הַיּוֹם
(in this case we say) nezirus is not ‘chal’	אֵין חֻלָּה נְזִירוֹת
on nezirus	עַל נְזִירוֹת
and Shmuel said	וּשְׂמוּאֵל אָמַר
even (if) he said	אֶפִּילוּ אָמַר
“I am a nazir today	הֲרִינִי נָזִיר הַיּוֹם
I am a nazir today”	הֲרִינִי נָזִיר הַיּוֹם
the (second) nezirus is ‘chal’ on it	חֻלָּה נְזִירוֹת עָלֶיהָ

The Ran explains that R' Huna holds that this that nezirus is chal on nezirus is only if he added a day to the nezirus but if the second nezirus is an exact replica of the first (i.e., the second nezirus doesn’t add anything to the first), then it will not be chal.

Therefore, when a person says that he accepts a nezirus today and a nezirus tomorrow, the second nezirus is adding one more day and is therefore chal.

That is, a standard term for nezirus is thirty days. Therefore, when the person accepted his first nezirus, the next thirty days become assur. When the person then goes ahead and accepts a new nezirus starting the next day, what is he saying is that he wants the second nezirus to start on the next day and go until day thirty-one (thirty days from the next day). And since his second nezirus adds 'day thirty-one', he will have to count thirty days from then, as we have a rule that a nezirus is not 'chal' for less than thirty days. That is, since a nezirus is not 'chal' for less than thirty days, he will have to count a full thirty-day nezirus from then (i.e., even though he only wanted to be a nazir until day thirty-one, since his declaration creates a new nezirus on day thirty-one, he has to count a full nezirus from then).

According to Rav Huna, there is a case in which nezirus is 'chal' in the middle of a nezirus (i.e., if the second nezirus starts from the next day), and there is also a case in which nezirus will not be 'chal' in the middle of a nezirus (i.e., the case in which he just repeats that he wants to be a nazir). And on this the Gemara asks:

And according to Rav Huna	ולרב הונא
instead of the Tanna teaching	אדתנא
there is not shevuah	אין שבועה
in 'the middle' of a shevuah	בתוך שבועה
it should teach	ליתני
there is a neder	יש נדר
in 'the middle' of a neder	בתוך נדר
and there is a neder that is not in 'the middle'	ואין נדר בתוך נדר
of a neder	

The Gemara now describes when a neder is 'chal' in 'the middle' of a neder and when it is not.

(If a person says) "I am a nazir today	הריני נזיר היום
I am a nazir tomorrow"	הריני נזיר למחר
(in this case) there is a neder	יש נדר
in 'the middle' of a neder	בתוך נדר
(but if he says) "I am a nazir today	הריני נזיר היום
I am a nazir today"	הריני נזיר היום

Nedarim 17b

There is no neder
in “the middle of a neder”
this is difficult

אין נדר
בתוך נדר
קשה

According to Rav Huna, even with regard to nezirus, there is a case in which we say that nezirus is not ‘chal’ on nezirus. If so, why did the Mishna have to refer to shevuos as the case to contrast with a neder being ‘chal’ on a neder? The Mishna could have just said that although there is a case in which a neder is ‘chal’ on a neder there is a case in which it is not chal on a neder. The Gemara leaves this as an open question on Rav Huna (see footnote where we explain the Gemara’s question at length).

What is the Case of a Shevuah Not Being Chal on a Shevuah (according to Rav Huna)?

We learned in a the Mishna
there is a neder in
‘the middle’ of a neder
and there is no shevuah
in ‘the middle’ of a shevuah
what is the case (of the halacha we just said)
if you say

תנו
יש נדר
בתוך נדר
ואין שבועה
בתוך שבועה
היכי דמי
אילמא

that the person said
“I am a nazir today
I am a nazir tomorrow”
that like it with regard to shevuah
(he said shevuah) “I will not eat figs
and he then ‘returned’ and said
“Shevuah
that I will not eat grapes”
why is the shevuah not ‘chal’
on the shevuah

דאמר
הריני נזיר היום
הריני נזיר למחר
דכוותה גבי שבועה
שלא אוכל תאנים
והזר ואמר
שבועה
שלא אוכל ענבים
אמאי לא חלה שבועה
על שבועה

The Mishna contrasted the halacha of a neder being chal on a neder, and a shevuah that is not chal on a shevuah. In order for the contrast to be valid, the cases must be the same, and once the cases are the same, only then can we say that there is a chumrah with regard with nedarim that it is chal even on a previous neder. (If the cases were not the same, then the comparison would not be valid).

The first possibility the Gemara says is that the person made a neder to become a nazir today and a nazir tomorrow. In this case, the person made two different nedarim (one for today and one for tomorrow). The problem is that the parallel case with regard to shevuos is one in which the person also made two shevuos on two separate objects. That is, he made a shevuah not to eat figs, and an additional shevuah not to eat grapes. But if this is really the parallel case to nedarim, why is it not chal?

⁹² Understanding the Gemara’s Question

The Ran explain asks that seemingly the same question that the Gemara is asking on Rav Huna could have been asked on Shmuel as well. Even according to Shmuel not every neder is ‘chal’ on a neder. If a person makes a neder that this bread should become assur and then repeats his neder and says that the bread should become assur, the second neder is not ‘chal’. That is, it is only with regard to nezirus that we say that a neder can be ‘chal’ on a neder’.

If so, even according to Shmuel we also have the question of why the Mishna needed to refer to a case of shevuos in order to find a case to contrast with the case of the neder that is ‘chal’ on a neder. The Mishna could have just said that a neder that is ‘chal’ on a neder is the case of becoming a nazir. And the case that the neder is not ‘chal’ on a neder is the case of a regular neder (i.e., not nezirus). If so, why is the Gemara only asking this question on Rav Huna and not on Shmuel?

The Ran answers that in reality this question on Shmuel would not be difficult at all. Of course, the Gemara wanted to mention both nedarim and shevuos as the point of the Mishna is to say that nedarim are more chamor than shevuos.

The question on Rav Huna was not simply why the Mishna felt the need to mention shevuos. This would not be a question as we just said. The Mishna would specifically want to mention shevuos in order to have the contrast between shevuos and nedarim. The question on Rav Huna is that according to him the Mishna is misleading. The Mishna said that a neder is ‘chal’ on a neder with regard to nezirus. This statement would seem to imply a blanket rule, that nezirus is always ‘chal’ on nezirus. Because if not, why would the Mishna not say so? The Mishna should have said the specific case in which nezirus is ‘chal’

on nezirus and then told us when it is not ‘chal’. And once it would tell us this, the Mishna would go ahead and explain that nedarim are more chamor than shevuos as nedarim have at least one case in which a neder is ‘chal’ on a neder, as opposed to shevuos where there is no such case.

But since the Mishna did not do this, this implies that indeed in all cases of nezirus, a second nezirus can be chal on the first and it does not make a difference if he added a day or not.

The Ran concludes by saying that one cannot ask that seemingly this question applies on Shmuel as well. After all, the Mishna said that neder is chal on a neder. But how could it make such a blanket statement. By saying that a neder is chal on a neder, the Mishna seems to imply that a neder is always chal on a neder, even if it is a regular neder and not nezirus. This is not true, and as such, why are we only asking our question on Rav Huna if this question seemingly applies to everyone.

The Ran answers that no one would ever make this mistake. No one will say that our Mishna holds that any neder can be chal on a neder. Because if this was really true, why would the Mishna need to bring the case of nezirus to explain the case of a neder being chal on a neder. The Mishna should have picked the classic case of nedarim. That is, if the halacha would really be that even a regular neder is chal on a neder, the Mishna would never pick a case of nezirus to demonstrate this halacha. And if the Mishna does pick nezirus, it must be that it does so because only nezirus is chal on a nezirus and a regular neder is not chal on another neder.

That is, it is specially according to Rav Huna, who differentiates between the cases of nezirus, that we have this question that the Mishna is open for misinterpretation, but according to Shmuel there is no room for such a mistake.

These are two separate shevuos, and if so, there would seem to be no reason why both of them would not be chal.

The Gemara gives another possibility for the case of the Mishna.

But rather what is the case	אֶלֶּא הֵיכִי דְּמִי
that a shevuah is not chal	דְּלֹא חֲלָה שְׁבוּעָה
on a shevuah	עַל שְׁבוּעָה
for example	כְּגוֹן
that he said	דְּאָמַר
“Shevuah that I will not eat figs”	שְׁבוּעָה שֶׁלֹּא אוֹכֵל תְּאֲנִים
and he then ‘returned’ and said	וְחָזַר וְאָמַר
“Shevuah that I will not eat figs”	שְׁבוּעָה שֶׁלֹּא אוֹכֵל תְּאֲנִים
that like it with regard to nezirus	דְּכוּוֹתָהּ גְּבִי נְזִירוֹת
what is the case	הֵיכִי דְּמִי
(it must be) that he said	דְּאָמַר
“I am a nazir today	הֲרִינִי נְזִיר הַיּוֹם
I am a nazir today”	הֲרִינִי נְזִיר הַיּוֹם
and (yet) we learned in the Mishna	וְקִתְנִי
there is a neder	וְשֶׁנְּדָר
in ‘the middle’ of a neder	בְּתוֹךְ נְדָר

this is difficult to Rav Huna קְשִׁיָּא לְרַב הוּנָא

The simple case of a shevuah not being chal on a shevuah, is the case in which he simply repeated the shevuah. But if this is really the case with regard to shevuos, then the Mishna is saying not like Rav Huna. The Mishna said that a neder is chal on a neder, and if this is the case with regard to shevuos, then its parallel case with regard to nedarim will also be a case he which the person just repeats his neder, i.e., the case of a person saying, “I am a nazir today, I am a nazir today”. And the Mishna says that this case works. If so, we see not like the shita of Rav Huna.

The Gemara answers:

Rav Huna would say to you	אָמַר לְךָ רַב הוּנָא
our Mishna (i.e., its case is)	מִתְנִיתִין
that the person said “I am a nazir today	דְּאָמַר הֲרִינִי נְזִיר הַיּוֹם
I am a nazir tomorrow”	הֲרִינִי נְזִיר לְמָחָר
that like it with regard to shevuah	דְּכוּוֹתָהּ גְּבִי שְׁבוּעָה
(is the case) that he said	דְּאָמַר
“Shevuah) that I will not eat figs”	שֶׁלֹּא אוֹכֵל תְּאֲנִים
and he then ‘returned’ and said	וְחָזַר וְאָמַר
“Shevuah	שְׁבוּעָה
that I will not eat figs and dates”	שֶׁלֹּא אוֹכֵל תְּאֲנִים וְעִנְבִים
that this is not chal	דְּלֹא חֵיילָא

The Gemara answers that Rav Huna could answer that really the Mishna is referring to a case in which the person says, “I am a nazir today, I am a nazir tomorrow”. And since the person added a day, the second nezirus is chal (as per his shita). And the parallel case with regard to shevuos is not like we assumed before, that the second shevuah includes just objects that were not included in the first shevuah, but rather the second shevuah includes what the first shevuah included but adds something else (i.e., the first shevuah include just figs, and the second shevuah includes figs and adds grapes). This is similar to the case of neder. In the case of neder, he also included what he said in the first neder but added to it. In the second neder, he included twenty-nine days of the first neder (i.e., the days from the next day until the end of the thirty days), and he added day thirty-one.

The contrast between the two cases is now understood very well. With regard to shevuos, the second neder is not chal at all. Since the second neder includes both figs and grapes, and the shevuah on the figs is not chal, as figs were already assur from the first shevuah, the grapes do not become assur as well.

This is not true with regard to the case of nezirus. In the case of our Mishna, even though the first twenty-nine days are not chal, the thirtieth day is chal (i.e., the thirtieth day of the second neder, which is day thirty-one overall) as it adds to his nezirus.

The main point of the Gemara’s answer is that with regard to shevuos, even when the person adds something with his second shevuah, the second shevuah is not chal. And on this the Gemara asks.

But Rabbah said	וְהָאָמַר רַבָּה
(if a person says) “Shevuah	שְׁבוּעָה
that I will not eat figs”	שֶׁלֹּא אוֹכֵל תְּאֲנִים
and he then ‘returned’ and said	וְחָזַר וְאָמַר
“shevuah that I will not eat	שְׁבוּעָה שֶׁלֹּא אוֹכֵל
figs and grapes”	תְּאֲנִים וְעִנְבִים
and he then ate figs	וְאָכַל תְּאֲנִים
and separated	וְהִפְרִישׁ
a korban (for violating his shevuah)	קֶרְבַּן
and he then ‘returned’ and ate grapes	וְחָזַר וְאָכַל עִנְבִים
the grapes are considered	הוּיָא לְהוּ עִנְבִים
‘chatzei shiur (half a measurement)”	חֲצִי שִׁיעוּר
and one does not bring a korban	וְאִין מְבִיאִים קֶרְבַּן
on a ‘chatzei shiur’	עַל חֲצִי שִׁיעוּר
we see (from this)	אֶלְמָא

where (i.e., in the case) **הִיכָא**
 that he said “Shevuah **דְּאָמַר שְׁבוּעָה**
 that I will not eat figs” **שְׁלֵא אוֹכֵל תְּאֲנִים**
 and he then “returned” and said **וְחָזַר וְאָמַר**
 “Shevuah that I will not eat **שְׁבוּעָה שְׁלֵא אוֹכֵל**
 figs or grapes” **תְּאֲנִים וְעִנְבִים**
 since **מִיגוּ**
 the (second) shevuah was chal **דְּחַל שְׁבוּעָה**
 with regard to grapes **עַל עִנְבִים**
 it is also chal on figs **חֵיילָא נְמִי עַל תְּאֲנִים**

Rav Huna had answered that even if the person adds something in his second shevuah, the second shevuah is not chal. However, from what Rabbah said we see not this way. Rabbah said that if one made these two shevuos, then if the person ate figs, separates a korban (for eating the figs), and then goes ahead and eats grapes, he will be patur from bringing a korban. And the reason that Rabbah gives for not bringing a korban is not simply because the second shevuah is not chal, but rather he gives a different reason. Rabbah holds that the second shevuah is chal, but this person does not bring a korban for violating the second shevuah as he did not violate it completely. The second shevuah said that the person will not eat figs and grapes, and this person just ate grapes. And even though this person did eat figs, the eating of the figs is considered separated from the eating of the grapes as the separation of a korban ‘breaks’ his eating into two actions, the action of eating the figs and the action of eating the grapes. As such, since the action of eating the grapes is separated from the eating of the figs, it is considered a separate action, and therefore such it does not obligate him in a korban as it is only considered as a ‘chatzei shiur’ (half of the required amount for the korban).

The bottom-line from this discussion is that Rabbah holds that when one adds to the second shevuah, this allows the shevuah to be chal, and if so, how could Rav Huna answer the way he did.

The Gemara answers simply that:

Rav Huna **רַב הוּנָא**
 does not hold like Rabbah **לֹא סְבִירָא לֵיהּ כְּרַבָּה**

The Gemara answers that Rav Huna does not hold like Rabbah. And although we have proven that Rabbah holds that the second shevuah is chal, R' Huna argues on him and holds that the second shevuah is not chal.

**One Who Accepts Two Sets of Nezirus and then
 Uproots the First Nezirus – Does He Still Have to be a
 Nazir for Another Thirty Days?**

We ask from a Baraisa	מִיתִיבִי
One who accepts two sets of nezirus	מִי שֶׁנָּזַר שְׁתֵּי נְזִירוֹת
(and) he counted the first one	מִנֵּה אֶת הָרֵאשׁוֹנָה
and he separated a korban	וְהִפְרִישׁ קֶרְבַּן
and he ‘asked’ on it	וְנִשְׁאַל עָלֶיהָ
the second one counts for him	עֲלֶתָהּ לוֹ שְׁנֵי
with (this that he counted) the first one	בְּרֵאשׁוֹנָה

When one makes a neder, he can then go to a Chacham (or a Bais Din of three) and ask him/them to be mevatul (uproot) the neder. If the Chacham is able to find a ‘pesach’- an opening (i.e., a reason to say that the neder was made under false pretense), then the neder is uprooted. This is what happen in this case. The person accepted two sets of nezirus on himself. He counted the first nezirus (i.e., he counted the first thirty days), and he then had the first nezirus uprooted. The Baraisa says that since in this case the first nezirus is voided retroactively, the days that he counted for this first nezirus will now count for the second nezirus, and as such, the person will not have to count another thirty days.

And on this the Gemara asks:

What is the case	הִיכִי דְמִי
if you say (that the case is one in which)	אֵילִמָּא
that he said	דְּאָמַר
“I am a nazir today	הֲרִינִי נְזִיר הַיּוֹם
I am a nazir tomorrow”	הֲרִינִי נְזִיר לְמָחָר
why	אֲמַאי
does the first count for the second	עֲלֶתָהּ לוֹ שְׁנֵי בְּרֵאשׁוֹנָה
but there is an extra day	הָא אֵיכָא יוֹמָא יַתִּירָא

The Baraisa implies that the first thirty days completely cover the second nezirus. But why? The second nezirus obligated him to count an extra day more than the first nezirus. That is, the first nezirus obligated him to count thirty days, and when the person added the second nezirus by saying that he is accepting another nezirus from the second day, this obligated him in one more day (i.e., in day thirty-one). If so, how can the Baraisa say that what he counted for the first nezirus will exempt him from his second nezirus?

The Gemara therefore concludes:

Rather it is obvious **אֵלָּא פְּשִׁטָּא**

that he said

“I am a nazir today

I am a nazir today”

דָּאָמַר

הָרִינִי נָזִיר הַיּוֹם

הָרִינִי נָזִיר הַיּוֹם