

Nedarim 22a

The daf starts with the continuation of the story of a woman who made a neder against her daughter. This woman now wants R' Yochanan to be matir it. R' Yochanan responded by asking her if she would have made the neder knowing that her neighbors would say the following:

It the mother would not have seen in her **אילו לא חמאת בה אימה**
 'things of leaving' **מילין דעזיבה**
 for nothing (i.e., for no reason) **בכדי**
 she would not have made the neder **לא אדרתה**
 Would you have made the neder" **מי אדרתה**
 she said to him **אמרה ליה**
 "No" **לא**
 and he permitted it **ושרייה**

After this woman made her neder forbidding her daughter, her neighbors starting to gossip as to why this woman would make such a neder. They said to themselves that the daughter must of have done something terrible (some say that this refers to z'nus) that caused the mother to want to leave her, because if not, the mother would never have made such a neder. After all, a mother would never make such a neder without a valid reason. R' Yochanan now asked this woman if she would have made her neder if she would have known that her neder would cause these rumors to spread. The woman responded that indeed she would not have made the neder, and because of her answer, R' Yochanan was matir the neder.¹¹¹

The son of the daughter **בר בתיה**
 of R' Yannai Sabba (the elder) **דרבי ינאי סבא**
 came before **אתא לקמיה**
 R' Yannai (to be matir his neder) **דרבי ינאי סבא**
 he said to him **אמר ליה**
 "If you would have known **אילו הוה ידעת**
 that they would open **דפתחין**
 your ledger book **פינקסך**
 and they would 'analyze **וממשמשיך**
 your doings (deeds) **בעובדך**
 would you have made the neder" **מי נדרת**

he said (back) to him **אמר ליה**
 "No" **לא**
 and he permitted it **ושרייה**

R' Yannai Saba tells us that when a person makes nedarim, this causes his actions to be examined in Shamayim. The Ran explains that by making nedarim, the person is saying that he is in reality a great person (i.e., someone who does not have to worry that perhaps he will come to transgress his nedarim). And once a person makes such a 'proclamation', in Shamayim they check to see if this is really true (i.e., they check to see if he really is such a great person, and if he isn't, he will be punished accordingly).

R' Abba said **אמר רבי אבא**
 what is the posuk (for what R' Yannai said) **מאי קראה**

R' Yannai Saba said that when a person makes a neder, this causes his actions to be analyzed in Shamayim. R' Abba asked what the source for this is, and he now answers with the posuk in Mishlei (20:25) that says:

"After nedarim to check" **ואחר נדרים לבקר**

The Gemara understands this posuk to be saying that after a person makes nedarim, his actions will be checked.

Not Using a Pesach that is Based on the Severity of Making a Neder

And even though **ואף על גב**
 R' Yannai opened (i.e., was matir) **דפתח רבי ינאי**
 for him (with this pesach) **ליה**
 we **אנו**
 do not open (i.e., we are not matir) **לא פתחינו**
 for him **ליה**
 with this (type of pesach) **בהא**

The Rosh explains that we are not matir nedarim with this type of pesach, because we are afraid of the possibility that a person will say that if he would have known this, he would not have made the neder, even if this is not true.

That is, if we tell a person how 'bad' it is to make a neder, he will not have the chutzpah to say that he would have made the

¹¹¹ What is the Proof of the Gemara?

The Mefarash explains that from this story we do not have a proof one way or other with regard to our question if a Chacham can be matir a neder with חרטה or not. In this case there was a bone-fide pesach (i.e., a reason to say that the neder was made under false pretense), and as such, even if a Chacham would not be able to be matir a neder with חרטה, in this case R' Yochanan would still be able to be matir the woman's neder as she would not have made the neder if she would have known the rumors it would cause.

Other Rishonim (Meiri) hold that we do have a proof from this case to our question. They hold this story proves that a Chacham cannot be matir with חרטה, because if a Chacham could be matir with חרטה, why did R' Yochanan need to ask her if she would have made the neder or not? It should have been good enough to just ask if she had חרטה? It must be that indeed one cannot be matir with חרטה.

neder anyway. If so, if a person says that he would not have made the neder had he known how chamor (stringent) it is, we cannot trust him. It could be that in reality he would have made the neder, despite how chamor it is, and only reason that he is now saying that he would not of made the neder is because he does not have the chutzpah to say otherwise.

The Rosh explains that this is the reason we don't use the previous pesach, and why we don't use the next few as well.

The Gemara brings that Rabbah Gamliel used such a type of pesach for a certain older man, and even though he used this type of pesach, we do not.

And we don't 'open'
with this other one (as well)
that Rabbah bar bar Channah said
that R' Yochanan said
with what did Rabban Gamliel open
for that older man

ולא פתחינו
בהדא אחרנייתא
דאמר רבה בר רב חנה
אמר רבי יוחנן
מאי פתח ליה רבן גמליאל
לההוא סבא

He found a pesach using the following posuk from Mishlei (12:18):

“There are those who talk
like the piercings of a sword
and the tongue (words) of the Chachamim
heal”
(this means to say) all those
who talk (i.e., make nedarim)
it is fit
to pierce them with a sword
but rather
the ‘tongue’ of the Chachamim
heal (them)

יש בוטה
כמדקרות חרב
ולשון חכמים
מרפא
כל
הבוטה
ראוי
לדקרוו בחרב
אלא
לשון חכמים
מרפא

The Gemara darshins (expounds) the posuk to mean that if a person makes a neder, it is fitting that he should be pierced with a sword, as he doesn't care that perhaps he will come to violate his neder. But although this is true, the words of the Chachamim heal this person. That is, the solution to what this person has done is do go to the Chacham and have him be matir the neder.

From this posuk we see how chamor it is to make a neder, and as such, Rabban Gamliel would ask the person who made the neder if he would have made the neder if he would have known this posuk. If the person would answer no, Rabban Gamliel would then be matir the neder.

But despite the fact that Rabban Gamliel would use this for a pesach, we do not. As we explained previously, a person does not have the chutzpah to say that he would have made the neder despite the posuk, and therefore, even if he says that he would not have made the neder, the person is not trusted that this is actually the case.

Another example of a pesach that we don't use.

And we don't 'open'
with another (similar type of a pesach)
as we learned in a Baraisa
R' Nossan says
one who makes a neder
it is has if he built a bama
and one who fulfills it
it is as if
he brought on it a korban

ולא פתחינו
בהדא אחרנייתא
דתניא
רבי נתן אומר
הנודר
כאילו בנה במה
והמקימו
כאילו
מקריב עליו קרבן

A bama is a type of mizbayach that at times was allowed outside the Bais Hamikdosh. However, at other times it was assur for a person to bring a korban on a bama. Our Gemara tells us that one should not make a neder, and if one does, it is as if he built a bama in a time that it was assur to do so. And if a person is not matir his neder and goes ahead and fulfills it, it is as if he did an even worse avayra of bringing a korban on this bama. The Ran explains that one who brings a korban on a bama is chayiv for פְּחוּטֵי חוץ – the issur of shechting a korban outside of the Bais Hamikdosh. 112

From all of this we see that a person should not be making nedarim, and if so, in theory this could serve as a pesach for the person. That is, the person could say that if he knew all this to be true, he would not have made the neder. But as the Gemara tells us, we do not do so because we are afraid that perhaps the person is lying when he says that he would not have made the neder if he

¹¹² The Comparison Between Making a Neder and Building a Bama

The Ran explains the comparison between making a neder and building a bamah as follows. If a person makes a neder, what he is saying that although the Torah made certain things assur, he wants to add to them. He wants to go beyond the letter of the law, and he wants to assur other things as well. But to this we say that he is mistaken. Just like with regard to korbanos, when the Torah says to bring them in the Bais Hamikdosh, that is where they must be brought, and one cannot add to this and bring korbanos elsewhere.

So too it is with regard to issurim. The Torah says what is assur and a person should not go ahead and add to them. As the Yerushalmi says, “Is it not enough that I gave them all of these issurim that this person wants to add to them!”

The Ran continues and says that the comparison between making nedarim and building a bama can also be explained as being in regard to this that the typical neder involves assuring an object by comparing it to a korban. And therefore, since this ‘korban’ is not desired, it is compared to a korban that is offered on a bamah (i.e., a korban that is forbidden to be brought).

would have known of the comparison between making a neder and building a bama.

The Gemara quoted R' Nosson as saying that it is wrong to make a korban by comparing making nedarim to two things.

1. In the raysha (beginning) of his words, he said that one who makes a neder is as if he built a bama.
2. And in the sayfa (end) of his words, he said that if the person goes ahead and fulfills his neder, it is as if he brought a korban on the bamah.

In regard to these two things, the second is going to be worse. If a person brings a korban on a bamah when he is not allowed to do so, he has transgressed the avayra of פְּחוּטֵי חוּץ (of shechting a korban outside the Bais Hamikdosh), an action for which there is an issur kores (a prohibition punished by Heavenly excommunication). Based on this, the Gemara brings the following machlokes with regards to when a Chacham can and when he cannot use the above as a pesach (the Gemara will bring two versions of the next discussion, we will first translate both of them and afterwards we will explain them).

With the raysha we 'open' (are matir)	בְּרִישָׁא פְתַחֲנִין
but with the sayfa	בְּסִיפָא
Abaye says	אֲבַיִי אָמַר
we 'open' (are matir)	פְתַחֲנִין
(and) Rava says	רַבָּא אָמַר
we don't 'open' (we are not matir)	לֹא פְתַחֲנִין
Rav Kahana	רַב כְּהָנָא
learned this 'teaching'	מִתְנִי לֵהּ אֲמַתָּא
with these words (i.e., in this manner)	בְּהִדְיוּן לִישָׁנָא

In this version of the machlokes, both Abaye and Rava agree that with regard to the case of the raysha, we are matir the neder, and it is only with regard to the sayfa that they have their machlokes. That is, in the raysha, we ask the person if he would have made his neder if he would have known that someone who makes a neder is compared to someone who has built a bama. If the person says no, we are matir the neder. This is because to build a bama when one is not allowed to, is not 'such a big avayra'. Therefore, if the person would have made the neder despite this, it would not take such chutzpah to say so. As such, when the person says that he would not have made the neder, both Abaye and Rava agree that we believe him, and we are not concerned that perhaps he is lying in order not to look bad.

However, with regard to the second thing that we tell him (i.e., the sayfa), that fulfilling a neder is like bringing a korban on

a bama, with regard to this we have the machlokes Abaye and Rava.

Rava holds that since פְּחוּטֵי חוּץ is such a severe avayra (as it is chayiv kores), a person would never have the chutzpah to say that he is not afraid of it. Therefore, when a person does say that he is scared of it, (i.e., he says that if he would have known this, he would not of made the neder), we cannot trust him that this is really true, and as such, this cannot be used as a pesach.

Abaye, however, disagree and holds that even if we tell him the second comparison, that fulfilling a neder is like bringing a korban on a bama, if the person says that had he known this he would not have made the neder, this person is believed.

The second version of the machlokes Abaye and Rava:

(However) Rav Tavyomay	רַב טַבְיוֹמַי
learned it like this	מִתְנִי הָכִי
with the sayfa	בְּסִיפָא
'we don't open' (we are not matir)	לֹא פְתַחֲנִין
(and) with the raysha	בְּרִישָׁא
Abaye said	אֲבַיִי אָמַר
we 'open' (are matir)	פְתַחֲנִין
Rava said	רַבָּא אָמַר
'we don't open' (we are not matir)	לֹא פְתַחֲנִין

Rav Tavyomay has a different version of the machlokes Abaye and Rava. In his version, everyone agrees that with the sayfa the Chacham cannot be matir the neder. As previously explained, the avayra of bringing a korban on a bama is a severe one, and therefore, both Abaye and Rava agree that one would never have the chutzpah to say that he is not scared of it, and as such, they both agree that it cannot be as a pesach.

According to this, the machlokes Abaye and Rava is only with regard to the raysha. In the raysha's case we only tell him about the comparison to someone who builds a bama (a less severe avayra), and therefore, since this avayra is 'not as bad', Abaye holds that a Chacham can use this for a pesach. And Rava holds that even in this case, a person would not have the chutzpah to say that he would have made the neder despite the comparison. Therefore, when he says that he would not have made the neder had he known this, he cannot be trusted, and as such, even in this case the Chacham cannot use it for a pesach.

The Gemara concludes:

And the halacha is	וְהִלְכְתָּא
'we don't open' (we are not matir)	לֹא פְתַחֲנִין
not with the raysha	לֹא בְרִישָׁא
and not with the sayfa	וְלֹא בְּסִיפָא

The Gemara brings another example of a pesach that we do not use.

And we ‘do not open’ (i.e., we are not matir)	וְלֹא פְתַחֲנִינוּ
with this also of Shmuel	בְּהֵא נְמִי דְשְׂמוּאֵל
as Shmuel said	דְּאָמַר שְׂמוּאֵל
even though he	אֶף עַל פִּי
fulfilled it (i.e., the neder)	שְׁמַקְיָימוּ
he is called a rasha	נִקְרָא רָשָׁע
(on this) R' Abahu said (asked)	אָמַר רַבִּי אֲבָהוּ
what is the posuk (that that tells us that he is called a	מֵאֵי קָרָא
rasha)	rasha)

The Gemara answers with the posuk in Devarim (23:23) that says:

“For when you will stop	וְכִי תִחְדָּל
from making nedarim	לַנְדוּר
there will be no avayra in you”	לֹא יִהְיֶה בְּךָ חֲטָא
and we learn (from a gezirah shava)	וְיִלְיִי
(from the words) ‘chadahla’ ‘chadahla’	חֲדַלְהָ חֲדַלְהָ
it is written here (ibid.)	בְּכַתִּיב הַכֹּא
for when you will stop	וְכִי תִחְדָּל
from making nedarim	לַנְדוּר
and it is written there (Iyov 3:16)	וּכְתִיב הַתֵּם
”There (i.e., from the grave) the evil people	שָׂם רָשָׁעִים חֲדָלוּ רָגַז
will stop their (acts) of (getting Hashem) angry”	וְיִשְׁטוּ

The word חֲדַלְהָ is used in reference to the reshayim (evil people) and it is used with reference to making nedarim. If so, we see that just like with regards to the reshayim is refers to reshayim, so too in with regard to those who make nedarim it refers to them as reshayim. The Ran explains that the intent of the posuk is to say that if you stop from making nedarim, then the avayra will not be in you. But if you do not stop from making nedarim then you will have the avayra.

From here we see what Shmuel told us, that one who makes a neder is called a rasha, and this is why Shmuel said that you could use this as a pesach. If a person says that he would not have made the neder if he would have known this, this would be an effective pesach. We, however, do not allow this pesach to be used. As we have been saying all along, although in theory this could be a good pesach if the person really means it, we cannot be matir the neder with it, as we are concerned that a person will say that he would not have made the neder had he known this; not because this is really true, but because he is afraid not to say

this way (as it takes great chutzpah to say that you are not afraid of being called a rasha).

The Gemara brings another source from the Mishna to this idea that a person who makes a neder is called a rasha.

Rav Yosef said	אָמַר רַב יוֹסֵף
we learned like this in a Mishna	אֶף אֲנִינוּ נְמִי תְּנִינָא

The Mishna told us that if a person says that he is making a neder:

Like the nedarim of	כְּנִדְרֵי
Kesayrim (i.e., kosher upstanding people)	כְּשָׂרִים
he has not said anything	לֹא אָמַר כְּלוּם
(but if he says) like the nedarim	כְּנִדְרֵי
of the wicked people	רָשָׁעִים
this is a valid neder	נִדְרֵי
with regard (to becoming) a nazir	בְּנִזְיָר
with regard (to bringing) a korban	וּבִקְרָבָן
and with regard to (making) a shevuah	וּבִשְׂבוּעָה

The Mishna taught us that if a person makes a neder to be like the kesayrim, then this is not a neder, but if a person says that that he is making a neder like the reshayim, then this is a good neder. This is for the simple reason that it is only the reshayim who make nedarim. If so, we have another proof to what Shmuel said, that even a person who ends up fulfilling his neder is called a rasha.

The Dangers of Becoming Angry

The Gemara will now have a lengthy discussion on the topic of the dangers of getting angry. The Meiri explains that since most nedarim come from a person becoming angry, it is important that a person learn how not to come to this state.

R' Shmuel bar Nachmani said	אָמַר רַבִּי שְׂמוּאֵל בַּר נַחֲמָנִי
that R' Yochanan said	אָמַר רַבִּי יוֹחָנָן
anyone who gets angry	כָּל הַכּוֹעֵס
all types of gehinnom	כָּל מִינֵי גֵיהֵנוֹם
rule over him	שׁוֹלְטִין בּוֹ

The Ran explains that anger brings one to be כּוֹפֵר בְּעֵינָיו, someone who denies Hashem. As the Gemara in Meseches Shabbos (105:) says, the person who breaks things in anger, should be in your eyes like someone who serves avodah zorah. This is because the way of the yetzer hara is to first get someone to become angry and then to get him to do worse and worse avayros until the point that he serves avodah zorah.

The Ran does not explain how we see from this that all of the types of gehinnom will rule over him, but seemingly the idea is that once he does the avayra of avodah zorah, which is from the worst avayros, this will cause him to experience the worst parts of gehinnom.

The Rosh gives a different explanation and says that the way of anger is that it causes the entire body to suffer, to the point that it feels as if he is suffering every type of gehinnom.

The Gemara now brings a source in the pesukim to this idea, that the one who gets angry will suffer from gehinnom.

As it says (Koheles 11:10) **שָׁנְאֵמֶר**
 “Remove anger from your heart **וְהִסַּר כַּעַס מִלִּבְךָ**
 and you remove evil **וְהִעֲבֵר רָעָה**
 from your flesh” **מִבְּשָׂרְךָ**
 and there is no evil **וְאֵין רָעָה**
 except for gehinnom **אֲלֵא גֵיהֶנְם**
 as it says (Mishlei 16:4) **שָׁנְאֵמֶר**
 “All that Hashem did (created) **כָּל פֶּעַל ה'**
 he made for his sake **לַמַּעֲנֵהוּ**
 and even the rasha **וְגַם רָשָׁע**
 for the ‘evil day’ “ **לְיוֹם רָעָה**

This posuk tells us that everything that Hashem did, he did for his honor, and even the rasha on the ‘evil day’ was done for Hashem’s honor. That is, even when the rasha will be thrown into gehinnom (the ‘evil day’ referenced by the posuk), this will bring honor to Hashem. When people see how the reshayim are punished for disobeying Hashem’s command, that will bring honor to Hashem. The bottom line is that from this posuk we see that the word רָעָה refers to gehinnom.

And not only this **וְלֹא עוֹד**
 but **אֲלֵא**
 ‘tachtonis’ **שֶׁהַתַּחְתּוֹנִיּוֹת**
 will rule over him **שׁוֹלְטוֹת בּוֹ**
 as it says (Devarim 28:65 in reference to when Klal **שָׁנְאֵמֶר**
 Yisroel will be in golus)
 ”And Hashem will give you there **וְנָתַן ה' לְךָ שָׂם**
 an angry heart **לֵב רָגִז**
 and weakening of the eyes **וְכַלְיוֹן עֵינַיִם**
 and suffering of the nefesh (soul)” **וְדַאֲבוֹן נַפְשׁ**
 (and) what is the thing (i.e., which sickness) **אִיזֶהוּ דָּבָר**
 (is the one) that weakens the eyes **שֶׁמְכַלֶּה אֶת הָעֵינַיִם**
 and causes suffering to the nefesh **וּמְדַאיֵב אֶת הַנֶּפֶשׁ**
 it was said **הָיָה אֹמֵר**

this is tachtonis

אֵלוֹ הַתַּחְתּוֹנִיּוֹת

Tachtonis is defined as hemorrhoids, a disease that causes swelling in the area from which a person goes to the bathroom. The Rosh explains that this causes weakness to the eyes, as this is a chronic disease that stretches out for a long time, and therefore, his eyes become weak from waiting so long for a cure. The Rosh does not explain why this causes the nefesh to suffer, but seemingly the idea is the same. That by this disease stretching out for such an extended period of time, this causes the nefesh to suffer. And the posuk says that this all comes as a result of having an angry heart.

The Gemara will now bring a story related to the posuk that the Gemara just referenced.

Ullah **עוּלָא**
 when he went up **בְּמִיּוֹסְקֵיהּ**
 to Eretz Yisroel (lit. the land of Yisroel) **לְאַרְעָא דְיִשְׂרָאֵל**
 he was accompanied by **אִיתְלוּ לֵיהּ**
 two people from Chuzai together with him **תְּרִין בְּנֵי חוּזַאֵי בְּהַדְיָה**
 (at one point on the trip) one of them got up **קָם חַד**
 and schected (slaughtered) his friend **שְׁחַטִּיה לְחֻבְרֵיהּ**
 he (the murderer) said (asked) to Ullah **אָמַר לֵיהּ לְעוּלָא**
 “I did good?” **יֵאוּת עֲבָדִי**
 he (Ullah) said (back to the murderer) **אָמַר לֵיהּ**
 “Yes **אִין**
 and you should reveal (expose) **וּפְרַע לֵיהּ**
 the place of the shechita **בֵּית הַשְּׁחִיטָה**

The Ran explains that Ullah said this in order that the victim should die quicker and not suffer as much.

When he (Ullah) came **כִּי אָתָּא**
 before R' Yochanan **לְקַמְיָה דְרַבִּי יוֹחָנָן**
 He (Ullah) said to him **אָמַר לֵיהּ**
 “Maybe chas v’shalom **דְּלִמָּא חַס וְשָׁלוֹם**
 I strengthened **אֲחֲזִיקִי**
 the hands of those who do avayros” **יְדֵי עוֹבְרֵי עֲבִירָה**
 he (R' Yochanan) said (back) to him **אָמַר לֵיהּ**
 “Your life you saved” **נִפְשְׁךָ הִצַּלְתָּ**

Ullah was concerned that perhaps by his telling the murderer that he did the right thing, he was in effect helping to strengthen the hand of this murderer. To which R' Yochanan responded and told Ullah that he had no choice. That by saying what he did, Ullah saved his own life. If Ullah would have said anything else, the murderer would have killed him as well.

In light of this story, the Gemara tells us that:

R' Yochanan was baffled (and asked)

קא תמה רבי יוחנן

but it is written

מכדי כתיב

“And Hashem gave to you there

ונתן ה' לך שם

an angry heart”

לב רגז

(and) it is written with regard to Bavel

בבבל כתיב

This posuk describes how when Klal Yisroel will be there, that is, when they will be there in golus (i.e., Bavel), they will have an angry heart. But R' Yochanan was under the impression that this

story happened in Eretz Yisroel. And this is what R' Yochanan could not understand. How could a person in Eretz Yisroel get so angry that he will kill his friend? According to the posuk, this level of anger is only found in Bavel and not in Eretz Yisroel.

The Gemara answers:

He answered him

אמר ליה

at that time

ההוא שעתא

Nedarim 22b

We had not yet crossed the Yardain לא עברינו ירדןא

The Ran explains that although the area on the other side of the Yardain (i.e., עבר הירדן) has kedusha with regard to many halachos, with regard to bringing the omer and other halachos, it does not have the status of Eretz Yisroel. Therefore, this area is not considered a bone-fide area of Eretz Yisroel, and that is why the person was able to get so angry there.

Rabbah bar Rav Huna said אמר רבה בר רב הונא

anyone who gets angry כל הכועס

even the Shechinah (Heavenly presence) אפילו שכינה

is not considered important to him אינה חשובה כנגדו

as it says (Tehillim 10:4) שנאמר

“A rasha at the height of his anger (says) רשע כגבה אפו

He (i.e., Hashem) will not search (avenge) בל ידרש

אליקים אין

Hashem is not

in any of his thoughts” כל מזמותיו

The rasha when he is angry says that Hashem will not search him out to punish him, and the posuk continues and says that Hashem is not in any of the rasha’s thoughts. That is, the rasha does whatever he wants without taking Hashem into consideration.

R' Yirmiyah M'Difti said רבי ירמיה מדיפתי אמר

he will forget his learning משכח תלמודו

and he will increase in silliness ומוסיו טיפשות

as it says (Koheles 7:9) שנאמר

“For anger lies in the lap of the fools” כי כעס בחיק כסילים ינוח

and it is written (Mishlei 13:16) וכתוב

“And a fool expresses his foolishness” וכסיל יפרש אולת

Rav Nachman bar Yitzchok said רב נחמן בר יצחק אמר

It is known בידוע

that his avayros שעונותיו

are more than his z'chusim (merits) מרובין מזכותיו

as it says (Mishlei 29:22) שנאמר

“And a man of anger ובעל חמה

has many avayros” רב פשע

The Reason that Klal Yisroel Received All Twenty-Four Books of Tanach

Rav Ada bar R' Chanina said אמר רב אדא ברבי חנינא

If not for the fact אלמלא

that Klal Yisroel sinned (לא) חטאו ישראל

it would not have been given to them לא ניתן להם

only the אלא

Chamisa Chumshei Torah חמשה חומשי תורה

and Sefer Yehoshua וספר יהושע בלבד

for the order (of the portions) שערךה

of Eretz Yisroel is in it של ארץ ישראל הוא

(And) what is the reason (the others were given) מאי טעמא

The Gemara answers that the reason why the other seforim were given to Klal Yisroel is based on the posuk in Koheles (1:18) that says:

“For with great wisdom בני ברב חכמה

is much anger” רב כעס

The Ran explains that in reality all Klal Yisroel needed was the five books of the Torah. This is because the vast majority of the rest of Tanach is filled with the Neviim giving Klal Yisroel mussur (rebuke) for their various avayros. This is seen from the posuk. The posuk says much of the wisdom of Neviim and Kesuvim is related to the anger that Klal Yisroel caused to Hashem. That being the case, if Klal Yisroel would not have done avayros, all of that would not have been necessary.

However, although they would not have needed the rest of Tanach, they still would have needed Sefer Yehoshua, as this sefer contains the boundaries of the various portions that Eretz Yisroel was divided into (in addition to the many cities that are listed in it). Therefore, even if Klal Yisroel would never have done any avayra, they still would have needed this sefer.

The Halachos of Being Matir a Shevuah that Was Made with the Name of Hashem

R' Asi said אמר רבי אסי

we do not get involved אין נזקקין

(with a shevuah that was made with) the G-d לאלקי

of Yisroel ישראל

except (for the case) חוץ

(that a person says) “Konam my wife מקונם אשתי

from getting benefit from me נהנית לי

for she stole my cup שגנבה את כיוסי

and hit my son” ושהתה את בני

and it is then known ונדוע

that she did not steal (it) שלא גנבה

and she did not hit him¹¹³

וְשָׁלָה הַכֶּתֵב

Many Rishonim explain the Gemara to mean that since this person had the chutzpah to make a shevuah with the name of Hashem (i.e., he used the name of Hashem for his own purposes), we do not allow him to be matir the shevuah. The one exception is the case in which a husband makes a shevuah against his wife. In this case, we will be matir the shevuah in order to preserve their shalom bayis.

The Gemara will now bring a story to prove this halacha, that when one makes a shevuah with the name of Hashem, a Chacham cannot be matir it.

There was a certain woman
that came before

הָיָא

דְּאִתְּתָא לְקַמֵּיהּ

Rav Asi (to be matir her shevuah)

דְּרַב אֲסִי

He said to her

אָמַר לָהּ

“What did you make a neder (i.e., a shevuah) with”
(she answered him) “With the G-d
of Yisroel”

בְּמַאי נִדְרַתְּ

בְּאֱלֹקֵי

יִשְׂרָאֵל

(as such) he said (back) to her

אָמַר לָהּ

“If you would have made a neder (with) Mohi
that this is (just) a general ‘nickname’
we would get involved with you (i.e., help you)
(but) now

אִי נִדְרַתְּ בְּמוֹהֵי

שְׁהִיא בִּינוּי בְּעֵלְמָא

מִזְדַּקִּיקְנָא לְךָ

הַשְׁתָּא

that you did not make a neder with Mohi

דְּלֹא נִדְרַתְּ בְּמוֹהֵי

(but) rather (you made a shevuah) with the G-
d of Yisroel

לֹא מִזְדַּקִּיקְנָא לְךָ

we do not get involved with you

This woman made a shevuah and she wanted R' Asi to be matir it (although the Gemara uses an expression of making a neder, the Mefarshim explain that this refers to making a shevuah). R' Asi told her that if she would have just made a regular shevuah, that is without the name of Hashem, then he would have been matir her neder. But since she used the name of Hashem, he cannot do so.¹¹⁴

(The term ‘Mohi’ is a kinui for a shevuah, that is, it is another way of saying shevuah. The Ran earlier on explained that in reality the ‘Mohi’ refers to Moshe Rabbinu, and the connotation of one who uses this word is to say that he wants to make a shevuah the same way ‘Mohi’ did).

The Gemara brings another story with regard to R' Asi's shita that a Chacham cannot be matir a shevuah that was made with the name of Hashem.

Rav Kahana

רַב כְּהָנָא

visited the house of Rav Yosef

אִיקְלַע לְבֵי רַב יוֹסֵף

He said to him (Rav Yosef to Rav Kahana)

אָמַר לֵיהּ

“Let Mar taste something”

לְטַעוּם מַר מִיַּדִּי

he said (responded) to him

אָמַר לֵיהּ

“No!

לֹא

(by) the Master of everything

מַרְי כּוֹלָא

¹¹³ If We Find Out that Indeed She Did Not Steal the Cup or Hit the Child, Why Would She Need **לֹא שָׁלָה**?

Many Rishonim (those quoted in the Ran, Rosh, Tosefos) hold that the correct girsā (of the Gemara) is not to include the words “and it was it was found to be that she did not steal the cup and she did not hit the child”. They hold that it cannot be that this happened, because if it was really discovered that the husband’s accusations were not true, then this should be similar to נִדְרֵי שִׁגְגוֹת -mistaken nedarim. If a person makes a neder mistakenly, then the neder is not chal. If so, in this case as well we should say that since the neder was made under a mistaken assumption, the shevuah should not be chal and all and there should be no need for the Chacham to be matir it.

The Ran quotes the Rashba who defends this girsā. The Rashba explains, that the Mishna with regard to mistaken nedarim is dealing with a case in which the person says that now that he knows that the neder was made under a mistaken assumption, he regrets making the neder. However, in our case, even after the person is informed that his wife did not steal the cup or hit his child, the person says that at the time that he made the shevuah, he had in mind to make the shevuah, even if what he was accusing his wife of doing is not true.

However, although he tells us this, the fact that the shevuah was made under a mistaken assumption still plays a role in why we allow the Chacham to be matir the shevuah. That is, according to this, the reason why R' Asi allows the Chacham to be matir the shevuah in this case is because there are two factors why we should be matir this shevuah as opposed to all others. The first factor is that we want to preserve the shalom bayis of this couple, and the second the factor is that this shevuah is similar to a mistaken neder.

Why Does the Need to Preserve Shalom Bais Allow Us to be Matir A Shevuah Made with the Name of Hashem?

The Gemara tells us that the only circumstance that we allow a Chacham to be matir a shevuah made with the name of Hashem is when being matir the shevuah will preserve a couple’s shalom bayis. But why is this? Although preserving shalom bayis is certainly a great thing, what is so special about it that allows us to be matir this shevuah?

The Gilyonei Hashas gives a brilliant answer. He explains that the reason we do not want to be matir a shevuah that was made with the name of Hashem is because if we are matir this shevuah, it will come out that the name of Hashem was used in vain (as the shevuah no longer exists).

And we know that with regard to a sotah, Hashem allows his name to actually be erased. Therefore, if we see that Hashem allows His name to be actually erased in order to preserve shalom bayis, then certainly He would allow a Chacham to be matir a shevuah that contains Hashem’s name in order to preserve shalom bayis.

¹¹⁴ **The Shita that Holds that R' Asi is Referring to All Shevuos**

Throughout this sugya, we have been explaining R' Asi’s shita as being that in the case that a person makes a shevuah using the name of Hashem, we cannot be matir the shevuah. But in the case that a person makes a regular shevuah, we can be matir the shevuah.

However, the Ran in his first explanation holds that the shita of R' Asi applies to all shevuos. That is, since shevuos are so chamor, R' Asi holds that a Chacham cannot be matir it.

According to this, we have to read the Gemara as follows. R' Asi was saying that if she would have made a shevuah with ‘Mohi’, i.e., if she would have made a regular shevuah, R' Asi would not have been able to be matir it, but now that she made a shevuah with the name of Hashem, he certainly would not be able to be matir the shevuah.

I will not taste it”
 he said to him (Rav Yosef responded)
 “No!
 (by) the Master of everything
 you will not taste it”

לא טעימנא ליה
 אמר ליה
 לא
 מרי כולא
 לא טעימת ליה

(that) we ‘open’ (are matir) with regret
 and we get involved
 (with a shevuah that is made with) the G-of
 Yisroel

פותחין בחרטה
 ונזקקין
 לאלקי
 ישראל

Can the Aggravation of Not Being Able to Find a ‘Pesach’ be Considered a Pesach?

On this back-and-forth between Rav Kahana and Rav Yosef, the Gemara asks:

It is good (understandable)
 This that Rav Kahana said
 “No! (by) the Master of everything
 but Rav Yosef
 why did he say
 “No! (by) the Master of everything

הניחא
 לרב כהנא דאמר
 לא מרי כולא
 אלא לרב יוסף
 אמאי אמר
 לא מרי כולא

Rav praised Rav Sechora to
 that he is a great man
 he said to him (Rav Nachman to Rava)
 “When he comes to you
 bring him to me”
 he (Rav Sechora) had
 a neder that he wanted to be matir
 (and therefore) he came
 before Rav Nachman
 he said to him (Rav Nachman to Rav Sechora)

משתבח ליה רבא לרב נחמן ברב סחורה
 Rav Nachman
 דאדם גדול הוא
 אמר לו
 כשיבא לך
 הביאהו לי
 הוה ליה
 נדרא למישרא
 אתא
 לקמיה דרב נחמן
 אמר ליה

We understand very well why Rav Kahana made a shevuah, after all he didn’t want to eat in Rav Yosef’s house, and therefore, he made a shevuah to make sure that he would not eat.

But why did Rav Yosef make such a shevuah? Rav Yosef wanted Rav Kahana to eat with him, and if so, why would he go ahead and make a shevuah that Rav Kahana could not do so?

The Gemara answers:
 This is what
 he (Rav Yosef) said to him
 “Did you not say (i.e., make a shevuah)
 therefore
 you cannot taste it

הכי
 הוא דקאמר ליה
 לא מרי כולא הוא דקאמרת
 with the Master of everything”
 הלכך
 לא טעימת ליה

“Did you make the neder
 with this knowledge (i.e., under this circumstance)?”
 he said (back) to him
 “Yes”
 Rav Nachman asked him again:
 “With this knowledge”
 (once again, Rav Sechora answered) “Yes”
 (This happen) many times
 and Rav Nachman was upset

נדרת
 אדעתא דהכי
 אמר ליה
 אין
 אדעתא דהכי
 אין
 כמה זימנין
 איכפד רב נחמן

The Gemara explains that Rav Yosef was just repeating what Rav Kahana said. That is, Rav Yosef said that now that Rav Kahana had made a shevuah with the name of Hashem, a Chacham will not be able to be matir this shevuah, and as such, we can be assured that Rav Kahana will not be able to eat Rav Yosef’s food.

The Gemara concludes this sugya by saying:
 Rava said that Rav Nachman said
 the halacha is

אמר רבא אמר רב נחמן
 הלכתא

Rav Nachman asked Rav Sechora many times if he would have made his neder under a particular circumstance. Each time, Rav Sechora answered that indeed he would have made the neder. That is, Rav Nachman could not find a reason to say that the neder was made under false pretense (i.e., there was nothing that Rav Sechora could say, that if he would have known that thing, he would not have made the neder). The Ran explains that Rav

¹¹⁵ Why Was Rav Nachman Not Matir the Neder with חרטה?
 The Ran asks that seemingly if Rav Nachman could not find a pesach for Rav Sechora’s neder, why could he not be matir it with חרטה? The Gemara just told us that Rav Nachman said that we are matir with חרטה. If so, why could he not do so with regard to Rav Sechora’s neder.
 The Ran answers that Rav Nachman recognized that Rav Sechora was coming to him specifically in order to find a pesach for his neder. That is, even though it is true that Rav Nachman held that one could be matir with חרטה, Rav Nachman realized that Rav Sechora wanted to be machmir on himself.
 The Ran continues and says that this neder was in relation to a mitzvah. For example, it could be that Rav Sechora made a neder to fast for a certain amount

of time, and now, during the fast, he wants to be matir it. But if Rav Sechora would be matir his neder with חרטה, he would lose the reward for the amount that he already fasted. The halacha is that if a person regrets the mitzvahs that he has done, he loses the reward that he would have gotten for doing them. Therefore, Rav Sechora specially did not want to use חרטה to be matir his neder but rather he wanted to be matir the neder with a pesach.
 However, what still needs explanation is what is the difference between being matir the neder with חרטה or being matir the neder with a pesach. In both cases, he is saying that he did not want this neder “לאכמ” ויש לפלל ואכמ”.

Nachman got upset at this that Rav Sechora made such a strong neder that a pesach could not be found. That is, Rav Sechora had in mind that his neder should be chal under any circumstance, and this is something that bothered R' Nachman.

The Gemara continues with the story:

He said to him (Rav Nachman to Rav Sechora) **אָמַר לִיה**
 “Go to your !” **זַיִל לְקִילָעָךְ**
 Rav Sechora left **נָפַק רַב סְחוּרָה**
 and ‘opened’ (i.e., found) **וּפְתַח**
 a pesach for himself (based on the following **פִּיתְחָא לְנַפְשֵׁיהּ**
 Mishna)

The Mishna in Pirkei Avos says:

Rebbi says **רַבִּי אוֹמֵר**
 what is the straight path **אֵיזָה הִיא דְרַדְּךָ יִשְׂרָה**
 that a person should choose for himself **שְׂבִיבֹר לוֹ הָאָדָם**
 “All that is an honor **כֹּל שֶׁהִיא תַפְאֶרֶת**
 to the one who does it **לְעוֹשֶׂיהָ**
 and it (causes) him to be honored **וְתַפְאֶרֶת לוֹ**
 by (his fellow) man” **מִן הָאָדָם**
 “and now **וְהִשְׁתָּא**
 that Rav Nachman is upset (because of me) **דְּאִיקְפֵּד רַב נַחְמָן**
 with the knowledge of this **אֲדַעְתָּא דְּהִכִּי**

I would not have made the neder” **לֹא נִדְרִי**
 and he was matir it for himself¹¹⁶ **וּשְׂרָא לְנַפְשֵׁיהּ**

The neder that Rav Sechora made caused Rav Nachman to be upset (as Rav Nachman could not find a pesach for it). As such, Rav Sechora now had his pesach. Rav Sechora would never have made the neder if he would have known that this would happen, and as such, we say that the neder was made under false pretense¹¹⁷

R' Shimon bar Rebbi **רַבִּי שְׁמַעוֹן בְּרַבִּי**
 had a neder he wanted to be matir **הָוָה לִיה נִדְרָא לְמִישְׂרָא**
 and (therefore) he came **אֶתָּא**
 before the Rabbanan **לְקַמְיָהּוּ דְּרַבָּנָן**
 they said to him **אָמְרִי לִיה**
 “Did you make the neder **נִדְרַתְךָ**
 with this knowledge” **אֲדַעְתָּא דְּהִכִּי**
 he said **אָמַר**
 “Yes” **אִין**
 Again, they asked him:
 “With this knowledge” **אֲדַעְתָּא דְּהִכִּי**
 “Yes” **אִין**
 (this back-and-forth) happened many times **כַּמָּה זִמְנִין**

¹¹⁶ **How Was Rav Sechora Allowed to be Matir His Own Neder?**

The Ran points out that when the Gemara says that Rav Sechora found a neder for himself, it doesn't mean that he was actually matir his own neder (as the halacha is that one is not allowed to be matir his own neder). Rather, the Gemara just means that he found a pesach for himself, and as such, he was now able to go to a Chacham and to tell the Chacham this pesach in order that the Chacham would be matir the neder.

¹¹⁷ **Why Was Rav Sechora Allowed to be Matir the Neder with נוֹלַד – Something that has not yet Happened?**

The halacha is that one is not able to be matir a neder with what is referred to as נוֹלַד – something that has not yet happened. That is, if after a person makes

a neder, something is created (i.e., did not exist at the time of the neder), one cannot be matir his neder with this. A person can only be matir his neder with something or some circumstance that existed at the time of the neder. Therefore, in our case, how can R' Nachman's getting upset with Rav Sechora be a reason to be matir Rav Sechora's neder, if R' Nachman's getting upset happened after the neder was made?

The Ran answers that it was common for talmidei Chachamim to get upset at those people who would make such nedarim, and as such, this that R' Nachman got upset was not considered nolad