

15.3.1

20b (משנה א') → 22a (פתחינן ליה בהא)

7. מוקש אדם ילע קדש ואחר נדרים לבקר: משלי כ, כה

I נדרים that are *ipso facto* permitted: 4 משנה א'

- a נדרי זרוזין (incentive vows)
  - i Example: seller and buyer take "vow" not to go below/above given price – they may still compromise
  - ii Suggestion: authored by יהודה ר' in the name of ר"ט who maintained that נדר needs clear, unequivocal הפלאה
    - 1 Rejection: even his opponents would agree here, since the text states רוצין, not רצו – i.e. the whole time they wanted to compromise and that is the colloquy of the marketplace
  - iii Question: what if the buyer and seller give exact amounts (ר"ן) - is this "incentive" or a real נדר?
    - 1 Answer1: from ruling about refusing to eat by vowing against entering his house or drinking a drop → considered exaggerated and he may enter the house/drink a drop
    - 2 Implication: that's the manner of speaking, not to be taken literally
      - (a) Rejection: disanalogous – case of house/water he only meant to abstain from a meal; here we have a legitimate doubt
      - (b) Rather: תיקו (תיבעי)
- b נדרי הבאי (exaggeration – explained in ב' משנה)
- c נדרי שגגות (error - explained in ב' משנה)
- d נדרי אונסין (coerced - explained in ג' משנה)

II התרת נדרים vis-à-vis our 4 groups

- a רב יהודה's reports
  - i version 1:
    - 1 in the name of רב אסי – these 4 נדרים require חכם שאלת
    - 2 התירו חכמים → no need for התרה – text says שמואל's response
  - ii version 2:
    - 1 in the name of רב אסי – only נדרים akin to these 4 types may be released
      - (a) implication: he maintains that we cannot use regret as an "opening" for release (אין פותחין בחרטה)
- b cases:
  - i רב הונא asked him: "do you feel the same now"?
    - 1 he answered in the negative and רב הונא released him from the נדר
      - (a) support from ruling of ר' יהודה
  - ii רבה בר רב הונא asked him: "if there were 10 men present to appease you, would you have made the vow"?
    - 1 he answers in the negative and רבה בר רב הונא released him from the vow
      - (a) support from ר' ישמעאל ב"ר יוסי in the name of his father
  - iii רב אסי asked him if he now regrets the vow;
    - 1 he answered "do I not?" and he released him
  - iv ר' אלעזר asked him if he really wanted to vow
    - 1 he answered: "had they not angered me, I wouldn't have wanted it" and he released him
  - v ר' יוחנן had a woman come before him who subjected her daughter to a נדר; he asked her had she known that people would say about her daughter that the mother must know something shameful about her – would she have vowed?
    - 1 She answered in the negative and he released the vow
  - vi ינאי טבא's grandson came to him to have a vow released; he asked him "had you known that they (heaven) open up the ledgers when you take a vow, would you have taken it"
    - 1 He answered in the negative and he released him (v. 1)
      - (a) Ruling: we don't use this argument for release