

15.3.5

25b (משנה ב) → 27a (דברי הכל)

- I **ב** definition of נדרי שגגות (category 3)
- a *note*: also true about שבועות שגגות (invalid)
- i *example*: if 2 students swear to conflicting teachings of master – each believes he remembers correctly
- b *sub-category 1*: forgetfulness:
- i *example 1*: if he took a נדר conditional on having not eaten and then recalled that he ate
- ii *example 2*: if he took a נדר conditioned on his not eating and he forgot and ate
- c *sub-category 2*: misinformation:
- i *example 1*: if he forbade his wife via נדר because he believed her to have violated his trust – and it wasn't true
- ii *example 2*: if he saw people eating from his tree and banned them, and some of them turned out to be his kin
- 1 *ג'ש*: only his kin are released
- 2 *ג'ה*: all of them are released
- 3 *note*: משנה ahead (ט:ו) – originally a נדר that was partially released remained partially valid – until ר"ע taught: נדר שהותר מקצתו הותר כולו –
- (a) *example*: (תוספתא נדרים ה:א) – if he vowed הנאה from all of them and one was released, all are released; but if he vowed from A and B and C, then if A is released, they're all released; any others, release only works from them on down in sequence
- 4 *dispute re ג'ה/ב'ש*:
- (a) *דבה*: dispute only if, when asked, would reformulate "X is מותר and Y and Z are אסורים",
- (i) *but*: if he would have said "all of you are אסורים except for X" – all are אסור except for X
- (b) *דבא*: dispute only if, when asked, would reformulate "all of you are אסורים except for X";
- (i) *reasons*:
1. *ג'ש*: holds like ר"מ – we follow a person's opening statement
2. *ג'ה*: holds like ר' יוסי – we adopt a person's final statement
- (ii) *but*: if he would have said "X is מותר and Y and Z are אסורים", all are מותר
- (c) *challenge*: רבא to רב פפא – from ר"ע's example above (תוספתא) –
- (i) רבא's approach doesn't work, since in סיפא (where only some are מותר), should be according to all, not just ר"ע
- (ii) *counter*: even to רבה, it is difficult, since there is no "1st" or "last" in a כולכם;
1. *rather*: ר"ע's 1st case is straightforward, 2nd case – where he associated each נדר with the next
- a. *Support*: language of ברייתא – "from each one on down" indicates association
- (d) *Challenge*: רבא to רב אדא בר אהבה: if someone vowed abstinence from onions since they are bad for the heart and was told that a particular species is good for the heart – he is permitted to all (not just that species)
- (i) *Answer*: he would have reformulated to say: onion types A and B are אסור, but not X
- (e) *Challenge*: רבא to רבינא: ר' נתן rules that a נדר may be partially in effect
- (i) *Example*: if he took a vow from a basket of figs and found some other types in it
1. *ruling*: basket is forbidden, that other type (בנות שוח) are permitted
2. *until*: ר"ע taught הותר כולו הותר הותר כולו ר"ע
3. *answer*: would have stated "all figs are אסור except for שוח בנות"
- (f) *question*: who is the author of the ruling that
- (i) if he vowed abstinence from *n* people as one, if one becomes permitted they are all permitted;
- (ii) but if he vowed abstinence from all except for one, they are all אסור except for that one
1. *דבה*: 1st clause is ר"ע, 2nd is consensus
2. *דבא*: 1st clause is consensus, 2nd is רבנן (of ר"ע)