

אמר ליה: כי משתבע – אדעתא
דידן משתבע, ואנן לא מסקינן נפשינ
אשומשמני.

ועל דעתא דנפשיה לא עביד איניש
דמשתבע? והתנא: כשהן משביעין
אותו אומרים לו: הוי יודע שלא על
תנאי שבלבך אנו משביעין אותך,
אלא על דעתינו ועל דעת בית דין.
לאפוקי מאי – לאו לאפוקי דאסיק
להו לאיסקונדרי ואסיק להון שמא
זוין?

ומדקאמר "על דעתינו" – מכלל דעביד
איניש דמשתבע אדעתא דנפשיה!

לא. לאפוקי מקניא דרבא. דההוא
גברא דהוה מסיק בחבריה זוין אתא
לקמיה דרבא. אמר ליה ללוה: זיל פרע
לי. אמר ליה: פרעתך. אמר ליה רבא:
אם בן זיל אישתבע ליה דפרעתיה.

אזל ואייתי קניא, ויהיב זוין בגויה,
והוה מסתמך ואזיל ואתי עליה לבי
דינא. אמר ליה למלוה: נקוט האי
קניא בידיך. נסב ספר תורה ואישתבע
דפרעיה כל מה דהוה ליה בידיה.

ההוא מלוה רגז, ותברה לההוא קניא,
ואישתפך הנהו זוין לארעא ואישתכח
דקושטא אישתבע.

Rav Ashi said to him: When he takes an oath, he takes an oath based on our understanding, which is that of an ordinary person, and we do not entertain the possibility in our mind that he is referring to ants [shumshemanei].¹ Therefore, if he took an oath in that manner, it is assumed that he referred to people, like those that left Egypt.

The Gemara asks: **And does a person not take an oath according to his own understanding?** There are times when one takes an oath with a particular stipulation in mind or intends a special meaning to his words. **But isn't it taught in a baraita: When the judges administer an oath to one who claims he paid a debt, they say to him: Know that we do not administer an oath to you based on a stipulation in your heart, i.e., you cannot claim that you are taking the oath based on a condition you have in mind. Rather, your oath is taken based on our understanding^h and on the understanding of the court.** The Gemara clarifies: **What does the phrase that they say to him: Based on our understanding, come to exclude? Does it not serve to exclude a case where one gave the debtor tokens [iskundarei]^l from a game, and in his mind he gives them the title of coins and takes an oath that he returned these coins, which is the truth based on his unspoken thoughts.**

The Gemara clarifies its question: **And since the baraita says that the oath taken in court is: According to our understanding, by inference it means that a person commonly takes an oath according to his own understanding and the oath would take effect according to his intent. Therefore, such a practice must be specifically excluded when taking an oath in a court.**

The Gemara responds: **No, this warning comes to exclude a case similar to that cane of Rava, in which a person attempts to deceive the court but does not necessarily utilize his own terminology, as there was a certain man who claimed money from another. He came before Rava to adjudicate the case. The creditor said to the borrower: Go repay me your debt. The borrower said to him: I already repaid you. Rava said to him: If so, go take an oath to him that you repaid him.**

The borrower went and brought a hollow cane, and placed the money inside it, and was leaning upon it, and went leaning upon it to the court. He said to the lender: Hold this cane in your hand so that I can take an oath while holding a Torah scroll. The borrower took the Torah scroll and swore that he had repaid the entire sum that had been in his possession.

That creditor then became angry upon hearing the borrower taking a false oath and broke that cane, and all of those coins placed inside fell to the ground. And it turned out that he had taken the oath in truth, since he had returned all the money at the time of the oath by giving him the cane with the money inside. However, this was a deceitful tactic, as he intended that the creditor return the cane and the money in it to him after he had taken the oath. In order to prevent this kind of deception, the one taking the oath is warned that he must take the oath according to the understanding of the court.

HALAKHA

אלא על דעתנו וכו' – אלא על דעתנו וכו' – When an oath is administered to an individual in court, after one is warned to take the oath truthfully, the court says to him: You are not taking an oath based on what is in your mind but according to our understanding and the understanding of the

court. The Rema, citing the Rosh, writes that if the judge detects any deception, the one taking the oath must explain his words and ensure that any potential element of deception is removed (Rambam *Sefer Hafla'a, Hilkhot Shevuot* 11:18; *Shulhan Arukh, Hoshen Mishpat* 87:20).

LANGUAGE

Ants [shumshemanei] – שומשמני: In the *Arukh* and other sources, the version of the text is *shushmena* and others have the version *shumshena*. Both have parallel forms in Aramaic and Arabic *سوسوم*, *sumsum*, and they all mean an ant or a certain type of ant. Ants often travel in large swarms which at times enables them to cross challenging areas by forming bridges with their bodies while holding on to each other. The image depicts such a swarm.



Swarm of ants creating a bridge with their bodies

Tokens [iskundarei] – איסקונדרי: According to the *Arukh*, these are stones used in a game. They were made of clay or other inexpensive material, e.g., small bones, and were generally round like coins. Several scholars have attempted to derive the word from various Greek and Persian words but no entirely parallel source has been found that fits the etymology and the context.



Game piece resembling a checker, from the Roman period

The mitzva of ritual fringes is equivalent, etc. – שְׁקוּלָהּ מִצְוַת צִיצִית וְכוּ': One should always be meticulous about the mitzva of ritual fringes because the Torah equates it to all the mitzvot and instructs one to remember the mitzvot upon seeing the ritual fringes (Rambam *Sefer Ahava, Hilkhot Tzitzit* 3:12; *Tur, Oraḥ Hayyim* 24).

Idol worship is so severe, etc. – חֲמוּרָה עֲבוּדַת זָרָה וְכוּ': If one accepts idol worship as legitimate, it is considered as though he denied the entire Torah. Conversely, if one rejects the legitimacy of idol worship, it is considered as though he accepted the entire Torah and everything that was commanded over all the generations, as monotheism is the most fundamental of all the mitzvot (Rambam *Sefer HaMadda, Hilkhot Avoda Zara* 2:4).

וְאֶבְרַתִּי, לֹא עֲבִיד דְּמִישְׁתַּבֵּעַ אֲדַעְתָּא דְּנִפְשִׁי? וְהִתְנַיֵּא: וְכֵן מְצִינוּ בְּמִשְׁה רַבִּינוּ בְּשֶׁהֲשִׁבֵנִי אֶת יִשְׂרָאֵל בְּעֵרְבוֹת מוֹאָב, אָמַר לָהֶם: הֲוּוּ יוֹדְעִים שְׁלֹא עַל דְּעִתְכֶם אֲנִי מְשִׁבֵּעַ אֲתָכֶם, אֶלָּא עַל דְּעִתִּי וְעַל דְּעִת הַמְּקוֹם, שְׁנַאֲמַר "וְלֹא אֲתָכֶם לְבַדְכֶם" וְכוּ'.

מֵאֵי אָמַר לְהוּ מִשְׁה לְיִשְׂרָאֵל? לֹא הָכִי קָאֲמַר לְהוּ: דְּלִמָּא עֲבִידְתוּן מִיְלִי, וְאֲמַרְתוּן "עַל דְּעִתְנוּ" – מִשּׁוּם הָכִי אָמַר לְהוּ: עַל דְּעִתִּי. לְאִפּוּקִי מֵאֵי? לֹא לְאִפּוּקִי דְּאִסְיָקוּ שְׁמָא לְעֲבוּדָה זָרָה אֱלוֹהִי? מְכַלְל דְּעִבִיד דְּעִינִישׁ דְּמִשְׁתַּבֵּעַ אֲדַעְתָּא דְּנִפְשִׁי!

לֹא, עֲבוּדָה זָרָה אִיקְרִי אֱלוֹהִי, דְּכָתִיב "וְבָכַל אֱלֹהֵי מִצְרַיִם" וְכוּ'.

וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן מִצְוֹת! מִשְׁמַע מִצְוֹת הַמֶּלֶךְ.

וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן כָּל מִצְוֹת! מִשְׁמַע מִצְוֹת צִיצִית, דְּאָמַר מֶר: שְׁקוּלָה מִצְוֹת צִיצִית כְּנֶגֶד כָּל מִצְוֹת שְׁבִתוֹרָה.

וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן תּוֹרָה! מִשְׁמַע תּוֹרָה אַחַת. וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן תּוֹרוֹת! מִשְׁמַע תּוֹרַת מִנְחָה, תּוֹרַת חֲטָאֹת, תּוֹרַת אֶשֶׁם. וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן [תּוֹרוֹת] וּמִצְוֹת! [תּוֹרוֹת] מִשְׁמַע – תּוֹרַת הַמִּנְחָה, מִצְוֹת מִשְׁמַע – מִצְוֹת הַמֶּלֶךְ.

וְלִשְׁבַע יִתְהוֹן: דְּמִקְיָמִיתוּן תּוֹרָה כּוּלָּהּ! תּוֹרָה כּוּלָּהּ מִשְׁמַע עֲבוּדָה זָרָה. דְּתַנַּיֵּא: חֲמוּרָה עֲבוּדָה זָרָה שְׁכָל הַכּוֹפֵר בָּהּ כְּאִילוּ מוּדָה בְּתוֹרָה כּוּלָּהּ.

The Gemara asks: **And still, does a person not commonly take an oath according to his own understanding? But isn't it taught in a baraita: And so we found with regard to Moses our teacher. When he administered an oath to the Jewish people in the plains of Moab, that they accept the Torah upon themselves, he said to them: Know that I do not administer an oath upon you according to your understanding and the stipulations in your hearts but according to my understanding and the understanding of the Omnipresent, as it is stated: "Neither with you only do I make this covenant" (Deuteronomy 29:13).**

What did Moses say to Israel? Isn't this what he said to them: Perhaps you will perform negative actions, i.e., transgressions, and say: The oath was taken according to our understanding. Due to that reason, he said to them: You take the oath according to my understanding. The Gemara clarifies: What did his warning come to exclude? Does it not serve to exclude the possibility that they give the title God, to an object of idol worship and say that this was their intention when they took an oath to worship God? The fact that Moses needed to preclude this claim indicates by inference that a person commonly takes an oath according to his own understanding.

The Gemara responds: No, idol worship is also called: God, in the Bible, as it is written: "And against all the gods of Egypt I will execute judgments" (Exodus 12:12). Therefore, this would not have been a special stipulation in their minds but a misguided intention within the oath itself. Moses suspected this and therefore issued the warning.

The Gemara asks: **And why did Moses have to state the oath with this warning? Let him administer an oath to them with the words: That you will fulfill the mitzvot,** which also includes the prohibition against idol worship. The Gemara answers: The word mitzvot, meaning commandments, could also indicate the commandments of the king, and this might be their intention if they were to take an oath in this manner.

The Gemara asks: **And let him administer an oath to them with the words: That you will fulfill all the mitzvot.** The Gemara answers: This too does not suffice, because this phrase could indicate specifically the mitzva of ritual fringes, as the Master said: **The mitzva of ritual fringes is equivalent^h to all the mitzvot in the Torah.** Consequently, if they would accept upon themselves: All the mitzvot, they may have intended to refer only to the mitzva of ritual fringes.

The Gemara asks: **And let him administer an oath to them: That you fulfill the Torah.** The Gemara answers: That phrase indicates only one Torah, the Written Torah and not the Oral Torah. The Gemara asks: **And let him administer an oath: That you fulfill the Torahs,** in the plural, to include both the Written Torah and Oral Torah. The Gemara answers: This too does not necessarily include the entire Torah, since it is possible that it indicates the Torah of the meal-offering, the Torah of the sin-offering, and the Torah of the guilt-offering. The Gemara asks: **And let him administer an oath: That you fulfill the Torahs and mitzvot.** The Gemara answers: This also does not include the entire Torah, because the word Torahs could indicate the Torah of the meal-offering, and mitzvot could indicate the commandments of the king.

The Gemara asks: **And let him administer an oath: That you fulfill the entire Torah.** The Gemara answers: Fulfilling the entire Torah could indicate specifically the denial of idol worship, which is also deemed fulfilling the entire Torah, as it is taught in a baraita: **Idol worship is so severe^h a sin that anyone who denies it is considered as though he concedes to the truth of the entire Torah.** The opposite is true for someone who worships idols. Therefore, the Jewish people could have claimed that fulfilling the entire Torah denotes nothing more than not practicing idol worship.

נֶחֱשׁ כְּקוֹרֵת – בית הַבֵּד: Although the types of snakes usually found in Eretz Yisrael and Babylonia are thin, there are snakes longer than 7 m, such as the python, found in Asia and Africa, whose relative thickness is much greater than any olive press beam. A snake of this type is capable of swallowing large creatures in their entirety.



Southern Africa python, a species with a notably thick body

וְלִישָׁבַע יְתֵהוּן: דְּמִקְיָמִיתוֹן עֲבֹדָה זָרָה וְתוֹרָה בּוֹלָה, אִי נִמְיָ שֵׁשׁ מֵאוֹת וּשְׁלֹשׁ עֶשְׂרֵה מִצְוֹת! אֱלֹא, מִשָּׂה רִבֵּינוּ מִלְתָּא דְלָא טְרִיחָא נֶקֱט.

The Gemara asks: **And let him administer an oath: That you fulfill the mitzva to distance oneself from idol worship and also fulfill the entire Torah. Or, alternatively,** let Moses administer an oath that the Jewish people will fulfill **six hundred thirteen mitzvot**, so there will be no doubt as to their intention. **Rather, Moses our teacher used an expression that was not troublesome** for the Jews. Although he could have found another manner in which they could take an oath, and it would leave no doubt as to the correct intentions, he did not want to trouble them by employing a more complex method. Therefore, he administered the oath and stated that it was according to his understanding and the understanding of the Omnipresent.

”אם לא ראיתי נחש כקורת בית הַבֵּד. וְלֹא? וְהָא הֵוָּא חוּיָא דְהוּוּה בְּשֵׁנֵי שְׁבוֹר מַלְכָּא, רְמוּ לֵיהּ תְּלִיסָר אַוּרוֹתָא דְתֵיבְנָא וּבְלַע יְתֵהוּן! אָמַר שְׁמוּאֵל: בְּטָרוּף. בּוֹלְהוּ נְחָשֵׁי מִיְטָרוּף טְרַפְּי! אֲגַבּוּ טָרוּף קְאָמְרִינֵן.

It was taught in the mishna that if one prohibits an item with a *konam* vow: **If I did not see a snake as large as the beam of an olive press,**⁸ it is a vow of exaggeration. The Gemara asks: **And is there not a snake like this? But a certain snake that lived in the days of King Shapur⁹ was so big that they threw thirteen bundles of straw and it swallowed them,** so it was certainly bigger than the beam of an olive press. **Shmuel said:** It is speaking here of a snake that is **notched,**¹⁰ and the one who took the vow intended to say that the snake had notches in its back like the beam of an olive press. The Gemara asks: **But all snakes have notches** like this. The Gemara answers: **We are saying that it is notched on its back,** which is exceedingly rare.

וְלִתְנֵי טָרוּף! מִלְתָּא אֲגַבּ אֲוֹרְחִיָּה קָא מְשַׁמַּע לֵן, דְּקוֹרֵת בֵּית הַבֵּד גַּבּוּ טָרוּף. לְמֵאֵי נִפְקָא מִיְנֵהּ – לְמִקְחָ וּמִמְכָּר, לֹאמַר לְךָ: הַמּוֹכֵר קוֹרֵת בֵּית הַבֵּד לְחֵבִירוֹ, אִי גַבּוּ טָרוּף – אִין, וְאִי לָא – לָא.

The Gemara asks: **And let the tanna teach** explicitly that the snake was **notched**; why did he say: Like the beam of an olive press? The Gemara answers: **He teaches us a matter in passing,** which is **that the back of the beam of an olive press must be notched.** The Gemara asks: **What is the difference** whether there are notches in the beam of an olive press? The Gemara answers: **For purposes of buying and selling, to tell you that one who sells the beam of an olive press to another, if its back is notched then yes, the sale is valid, and if its back is not notched and there are no slits, then it is not a valid sale, as a beam without notches is not called a beam of an olive press.**

PERSONALITIES

King Shapur – שְׁבוֹר מַלְכָּא: Shavor Malka was Shapur I of Persia (272–241 BCE), the second in the Sassanid dynasty and one of the greatest Persian kings. He expanded the borders of the kingdom, fought the Romans many times, and captured large areas from them as far as Syria. He succeeded in capturing the Roman Emperor Valerian and keeping him imprisoned until his death. However, he did not win all his wars and was sometimes defeated by the Romans. He built major cities and dams using captives. Unlike most of the kings of that dynasty, he was tolerant of other religions and much has been narrated about his close relationship with the Jews and how much he knew and appreciated Jewish customs. In several places, the Talmud speaks of his relationship with the *amora* Shmuel.



Bas relief sculpture depicting the triumph of Shapur I over the Roman Emperor Valerian

NOTES

Notched [taruf] – טָרוּף: The Commentary on *Nedarim* and the Ran write that this means that there were slits on its back. According to the Rosh and *Tosafot Yeshanim*, it means that the snake was straight and flat, and the Gemara's point is that it is obvious that the belly of a snake is flat but not its back is flat. From the Jerusalem Talmud and the writings of Rav Sherira Gaon, it appears that the word *taruf* means square, and the

Gemara is speaking of one who took an oath that he saw a square snake, which is impossible. It is also explained there that it was not necessary to state that the snake was as square as the beam of an olive press, and he could have just stated that it was square, but the *tanna* exaggerated in order to clarify the idea of a vow of exaggeration.

HALAKHA

Vows that are unintentional – נִדְרֵי שְׁגָגוֹת: If one makes a mistake in a vow, e.g., he takes a vow that an item will be prohibited to him if he did not eat and then remembers that he did eat; or he takes a vow that an item will be prohibited to him if he will eat and then forgets and eats; or he takes a vow that an item will be prohibited based on a mistaken assumption, such as taking a vow prohibiting his wife to derive benefit from him because she hit his son, and then he discovers that she did not do so, in all of these cases the vow is dissolved (Rambam *Sefer Hafla'a, Hilkhhot Nedarim* 4:1, 8:3; *Shulhan Arukh, Yoreh De'a* 232:6).

Both these and those are permitted to eat figs – אֵלוֹ וְאֵלוֹ מוֹתְרִין: If one sees from a distance that people have entered his courtyard to eat his produce, and he says: This produce is *konam* for you, but then notices that his father or brother are among them and he does not wish to render his produce forbidden to them, then his vow is automatically dissolved and all of the people are permitted to partake of the produce. This ruling is in accordance with the opinion of Beit Hillel (Rambam *Sefer Hafla'a, Hilkhhot Nedarim* 8:6; *Shulhan Arukh, Yoreh De'a* 232:7).

Oaths that are unintentional are dissolved – שְׁבוּעוֹת מוֹתְרוֹת: Just as unintentional vows are dissolved, so too are unintentional oaths dissolved (Rambam *Sefer Hafla'a, Hilkhhot Shevuot* 3:5; *Shulhan Arukh, Yoreh De'a* 239:1).

A vow that was partially dissolved, etc. – נִדְרֵי שְׁהִיָּתָר: A vow that was partially dissolved is completely dissolved. For example, if one takes a vow prohibiting himself from eating meat for a certain period of time that includes *Shabbatot* and Festivals, he is asked: If you had thought of the fact that *Shabbatot* and Festivals would occur during this time, would you have taken the vow? If he responds that he would not have taken the vow, it is dissolved for these days, and is therefore completely dissolved. This ruling is in accordance with the opinion of Beit Hillel in the mishna, which is also the opinion of Rabbi Akiva (Rambam *Sefer Hafla'a, Hilkhhot Nedarim* 8:6; *Shulhan Arukh, Yoreh De'a* 229:1).

מתני' נדרי שגגות: "אם אכלתי ואם שתיתי" ונזכר שאכל ושתה. "שאני אוכל ושאני שותה" ושכח ואכל ושתה. אמר "קונם אשתי נהנית לי שגנבה את ביסי ושהכתה את בני" ונדע שלא הכתה ונדע שלא גנבה.

ר'אחא איתן אוכלין תאנים ואמר "הרי עליכם קרבן" ונמצאו אביו ואחיו והיו עמקן אחרים. בית שמאי אומרים: הן – מותרים, ומה שעמקן – אסורים. ובית הלל אומרים: אלו ואלו מותרין.

גמ' תנא: בשם שגגות מותרין – כך שבועות שגגות מותרות. היכי דמי שבועות שגגות? כגון רב כהנא ורב אסי, הדין אמר: שבועתא דהכי אמר רב, והדין אמר: שבועתא דהכי אמר רב. דכל חד וחד אדעתא דנפשיה שפיר קמישתיב.

"ר'אחא איתן אוכלין". תנן התם: פותחין בשבתות ובמים טובים. בראשונה היו אומרים: איתן הימים מותרים, ושאר כל הימים אסורים, עד שבא רבי עקיבא ולימד: נדר שהייתר מקצתו – היתר כלו.

MISHNA What are examples of vows that are unintentional^h that are dissolved, as taught at the beginning of the chapter? One who vows: This loaf is forbidden to me as if it were an offering [*konam*] if I ate or if I drank, and then he remembers that he ate or drank.ⁿ Or, one who vows: This loaf is *konam* for me if I will eatⁿ or if I will drink, and he then forgets and eats or drinks. Also, one who said: Benefiting from me is *konam* for my wife because she stole my purse or she hit my son, and then it became known that she had not hit him or it became known that she had not stolen.

The mishna lists another example of an unintentional vow: **One who saw people entering his courtyard and eating figs, and because he did not want them to do so he said:** The figs are forbidden to you like an offering. **And then it was found that his father and brother were in the group, and there were others with them as well, and certainly he did not intend to take a vow prohibiting his father and brother from eating the figs. In such a case, Beit Shammai says:** They, his father and brother, are permitted to eat the figs, and those others that were with them are prohibited from doing so. **And Beit Hillel says:** Both these and those are permitted to eat the figs,^h as will be clarified in the Gemara.

GEMARA The Sages taught: Just as vows that are unintentional are dissolved, so too, oaths that are unintentional are dissolved.^h The Gemara asks: What are the circumstances of unintentional oaths? For example, as in the incident of Rav Kahana and Rav Asi, who disagreed about a *halakha*. During the dispute this one said: I take an oath that Rav said like this opinion that I hold. And that one said: I take an oath that Rav said like this opinion that I hold. This is an unintentional oath, as each one took an oath properly in his own mind and was sure that he was saying the truth.

With regard to the mishna's statement: **One who saw them eating,** the Gemara states that **we learned** in a mishna there (66a): If one vows to fast or not to eat a certain food, dissolution is broached based on *Shabbatot*ⁿ and based on Festivals, since one certainly did not intend to include these days when taking the vow. **Initially, they used to say:** On those days, *Shabbatot* and Festivals, which he did not include in his vow, he is permitted to partake of the item, and on all other days he is prohibited from doing so. This was the case until Rabbi Akiva came and taught: **A vow that was partially dissolved^h is dissolved completely.** Therefore, one is permitted to partake on other days well.

NOTES

ונזכר שאכל ושתה – And he remembers that he ate or drank – The reason that this case is considered an unintentional vow is because even forgetting or making a mistake is considered accidental as far as this issue is concerned. This is in accordance with the Gemara in tractate *Shevuot* (26a), which comments: His heart caused him to take an oath unintentionally.

If I will eat, etc. – שאני אוכל וכו' – The Ran and the Rosh explain that this case is also included in the category of vows that are unintentional. This is because at the time that the vow came into effect he forgot about it, and a vow that he does not recall at that time is not a vow.

Dissolution is broached based on Shabbatot – פותחין בשבתות – *Tosafot* comment that this is not similar to the case in the mishna discussing one's father and brother, because here one knows

generally that if he takes a vow for a long period, e.g., a year, *Shabbatot* and Festivals will be included. That is why it speaks here about an opening and not an oath taken by mistake at the outset. With regard to the precise type of opening used, many commentaries say that it is suggested to the one who made the vow that at the time he took the vow, he may not have remembered that *Shabbatot* and Festivals occur during the period of the vow, despite general knowledge that they occur. If he agrees that he did not consider this, it is an opening to dissolve the vow. The Ritva writes that the opening is made by telling him that he certainly did not know that it is prohibited to fast on *Shabbatot* and Festivals. The Rid holds that the opening is not due to forgetfulness or lack of knowledge. Rather, he is asked if he regrets vowing in a way that includes *Shabbatot* and Festivals. If he does, the entire vow is dissolved.

All of you are prohibited from eating figs except for father, etc. – כּוּלְכֶם אֶסְוִין חוּץ מֵאָבִי וכו' – Most commentaries are of the opinion that the difference between the formulations: All of you are prohibited from eating figs except for father, and: So-and-so and so-and-so are prohibited from eating figs and father is permitted to do so, is the fact that in the second he changed his statement so the initial statement is completely dissolved. By contrast, in the first formulation, where he retains the initial wording that all are prohibited from partaking but makes an exception for his father, the vow is not dissolved and all others are still prohibited from eating.

אָמַר רַבָּה: דְּכוּלֵי עֲלָמָא, כָּל הֵיכָא דְאָמַר:
אִילוּ הָיִיתִי יוֹדֵעַ שְׂאָבָא בִּינְיָכֶם הָיִיתִי
אוֹמֵר "כּוּלְכֶם אֶסְוִין חוּץ מֵאָבִי" –
דְּכוּלְהוֹן אֶסְוִין וְאָבִיו מוּתָר. לֹא נַחְלְקוּ
אֲלָא בְּאוֹמַר: אִילוּ הָיִיתִי יוֹדֵעַ שְׂאָבָא
בִּינְיָכֶם הָיִיתִי אוֹמֵר "פְּלוּנִי וּפְלוּנֵי אֶסְוִין
וְאָבִי מוּתָר".

Rabba said: Everyone in the mishna, i.e., Beit Shammai and Beit Hillel, holds that wherever one says: Had I known that my father was among you I would have said: All of you are prohibited from eating figs^H except for father,^N then in that case all are prohibited from doing so and his father is permitted to do so. They disagreed only in an instance where one said: Had I known that my father was among you then I would have said: So-and-so and so-and-so, i.e., all the others, are prohibited from eating figs and father is permitted to do so.

HALAKHA

I would have said: All of you are prohibited from eating figs, etc. – הָיִיתִי אוֹמֵר כּוּלְכֶם אֶסְוִין וכו' – The principle that a vow that is partially dissolved is completely dissolved applies when one initially says: All of you are prohibited from partaking, and subsequently qualifies that had he known his father was among the group, he would not have used those words but would have said: So-and-so and so-and-so are prohibited from partaking.

However, if at the time it became known to him that his father was present he said: Had I known I would have said that all of you are prohibited from partaking except for father, but he does not change his initial formulation, then only his father is permitted to partake and the others are not, in accordance with the opinion of Rabba, who was Rava's teacher (Rambam *Sefer Hafla'a, Hilkhot Nedarim* 8:6; *Shulḥan Arukh, Yoreh De'a* 232:8).

Perek III

Daf 26 Amud a

וְרַבָּא אָמַר: דְּכוּלֵי עֲלָמָא, כָּל הֵיכָא דְאָמַר:
אִילוּ הָיִיתִי יוֹדֵעַ שְׂאָבָא בִּינְיָכֶם הָיִיתִי
אוֹמֵר "פְּלוּנִי וּפְלוּנֵי אֶסְוִין וְאָבִי מוּתָר" –
כּוּלְכֶם מוּתָרִין. לֹא נַחְלְקוּ אֲלָא בְּאוֹמַר:
אִילוּ הָיִיתִי יוֹדֵעַ שְׂאָבָא בִּינְיָכֶם הָיִיתִי
אוֹמֵר "כּוּלְכֶם אֶסְוִין חוּץ מֵאָבִי".

And Rava said: Everyone holds^N that anywhere that one says: Had I known that father was among you I would have said: So-and-so and so-and-so are prohibited to partake and father is permitted to do so, then all are permitted to partake. They disagree only in a case where one says: Had I known that father was among you I would have said: All of you are prohibited from partaking^N except for father.

בֵּית שַׁמַּי סָבְרִי לָהּ כְּרַבֵּי מֵאִיר, דְּאָמַר:
תְּפֹס לְשׁוֹן רֵאשׁוֹן.

The rationale of the dispute is the following: Beit Shammai hold in accordance with the opinion of Rabbi Meir, who said: If one initially makes one declaration and immediately afterward makes a conflicting declaration, hold him accountable for the first expression. Since he initially said: All of you are prohibited from partaking, this expression is the effective one and they are all prohibited from doing so. The addition of the words: Except for father, is viewed as a clarification of the previous expression, simply indicating that his father is not included in the prohibition.

NOTES

וְרַבָּא אָמַר דְּכוּלֵי עֲלָמָא וכו' – Early commentaries dispute the interpretation of Rava's opinion. Some hold that Rava rejects Rabba's principle that if one changes his formulation he dissolves the first vow. Rather, Rava's primary consideration is that if one says the second time: All of you are prohibited from partaking except father, this formulation does not dissolve the vow with regard to the others according to all opinions, but it is subject to the dispute between Beit Shammai and Beit Hillel. However, if one specifies which individuals are prohibited from partaking and which are permitted to do so, he thereby dissolves the first vow and all are permitted to partake (*Tosafot*; Rosh). By contrast, the Ran interprets Rava as agreeing with Rabba that anyone who changes the language of the first vow dissolves it and it is as though he had not taken a vow. They only disagree where he maintains the first formulation and does not cancel it.

They disagree only...all of you are prohibited from partaking, etc. – לֹא נַחְלְקוּ אֲלָא...כּוּלְכֶם אֶסְוִין וכו' – According to the interpretation of the Rosh, which is accepted by the *Tosafot Yesanim*, there is no difference whether one first says: All of you, or if he says: This one and that one, since the *halakha* is determined by his formulation at the time of retraction. If at that time he says that he would have said: This one and that one, then all are permitted to partake. However, if he says that he would have said: All of you, then the matter is subject to dispute between Beit Shammai and Beit Hillel. By contrast, according to other commentaries, if he first says: This one and that one, and then retracts and says that he would have said: All of you, everyone agrees that the vow is dissolved. Beit Hillel and Beit Shammai disagree only in a case where one does not change his basic formulation (Rabbeinu Tam, *Sefer HaYashar*; Rashba; Ran).