

מתני' רבי אליעזר אומר: פותחין  
לאדם בכבוד אביו ואמו, וחכמים  
אוסרין.

**MISHNA** Rabbi Eliezer says: When halakhic authorities are approached with regard to the dissolution of a vow, they may broach dissolution with a person<sup>N</sup> who took a vow by raising the issue of how taking the vow ultimately degraded the honor of his father and mother,<sup>H</sup> asking him the following: Had you known that your parents would experience public shame due to your lax attitude toward your vow, would you still have taken the vow? But the Rabbis disagree with Rabbi Eliezer and prohibit broaching dissolution of a vow with this particular question.

אמר רבי צדוק: עד שפותחין לו  
בכבוד אביו ואמו – יפתחו לו  
בכבוד המקום, אם כן אין נדרים!  
מודים חכמים לרבי אליעזר בדבר  
שבינו לבין אביו ואמו, שפותחין לו  
בכבוד אביו ואמו.

To support the opinion of the Rabbis, Rabbi Tzadok said: Instead of broaching dissolution with him by raising the issue of the honor of his father and mother, let them broach dissolution with him by raising the issue of the honor of the Omnipresent. They should point out that a vow taken in the name of God lessens the honor of God, so they could ask him: If you had known that your vow would diminish the honor of God, would you have taken your vow? And if so, if this is a valid method of broaching dissolution, there are no vows. Nevertheless, the Rabbis concede to Rabbi Eliezer with regard to a vow concerning a matter that is between him and his father<sup>NH</sup> and mother, that they may broach dissolution with him by raising the issue of the honor of his father and mother, as in this case the extenuation is connected to this particular vow.

ועוד אמר רבי אליעזר: פותחין  
בנולד, וחכמים אוסרין. כיצד? אמר  
"קונם שאני נהנה לאיש פלוני"  
ונעשה סופר, או שהיה משיא את  
בנו, ואמר: אילו הייתי יודע שהוא  
נעשה סופר, או שהיה משיא את  
בנו בקרוב – לא הייתי נודר.

And Rabbi Eliezer further said: They may broach dissolution by asking about a new situation, but the Rabbis prohibit it.<sup>N</sup> How might they broach dissolution by asking about a new situation? If one said: It is forbidden to me like an offering [*konam*] that I will therefore not derive benefit from so-and-so, and that person later became a scribe [*sofer*],<sup>L</sup> and the one who took the vow now requires his services, or if the one forbidden by the vow was marrying off his son and prepared a feast for all the residents of his town, and the one that had taken the vow said: Had I<sup>N</sup> known that he would become a scribe, or that he would be marrying off his son in the near future, I would not have vowed.

#### HALAKHA

They may broach dissolution with a person by the honor of his father and mother – פותחין לאדם בכבוד אביו ואמו: Halakhic authorities may not broach dissolution of a vow by raising the issue of the honor of his father and mother, saying: Had you known that people would say to your parents, look at the son you brought up, who treats vows so lightly, etc. This is because no one is so brazen as to deny that he would have refrained from taking a vow for that reason. Therefore, Abaye explains, such a vow is not properly dissolved, just as one's vow would not be properly dissolved if halakhic authorities were to broach its dissolution by raising the issue of the honor of

his rabbi. The *halakha* is in accordance with the Rabbis, rather than the minority opinion of Rabbi Eliezer (*Shulhan Arukh, Yoreh De'a* 228:1).

With regard to a matter that is between him and his father, etc. – בדבר שבינו לבין אביו וכו': If a person takes a vow concerning his father and mother, e.g., that his parents are prohibited from benefiting from his property, the vow can be dissolved based on the honor of his parents, as it would demean them. In such cases, the Rabbis agree with the opinion of Rabbi Eliezer (*Shulhan Arukh, Yoreh De'a* 228:1).

#### LANGUAGE

Scribe [*sofer*] – סופר: The Sages use the word *sofer* in several different yet interrelated ways. One meaning is one who has the wisdom of the Torah, i.e., one who knows the sacred writings [*sefarim*]. This is why in the book of Ezra the sobriquet Ezra HaSofer, or Ezra the Scribe, is used, as he possessed the wisdom of the Torah. This usage is found in rabbinic literature in the phrase *divrei sofrim*, meaning the words of the Sages. Based on this interpretation of the word, this Gemara means: If the man who was the subject of the vow became a Torah scholar, it is clear that the one who stated the vow would not have wanted to forcibly distance himself from him, especially if he were in need of his guidance.

Another meaning of *sofer* is a writer or scribe. In addition to transcribing sacred writings, the *sofer* knew how to write various contracts such as documents pertaining to debt, bills of divorce, bills of sale, and so forth. It could be that this is the meaning of the word in the Gemara, as the one who stated the vow might later require the services of a scribe.

An additional meaning of *sofer* is one who teaches people to read, such as an instructor who teaches children how to read the Bible. At times, a *sofer* was both a scribe and a teacher of children, in which case the community would certainly be in need of his skills. This is another possible understanding of the Gemara here.

#### NOTES

They may broach dissolution with a person, etc. – פותחין לאדם וכו': Most commentaries explain that this refers to a standard broaching, i.e., the halakhic authority says to the one who vowed: Did you consider your parents' shame? However, the Rambam, in his Commentary on the Mishna, explains that Rabbi Eliezer means that no dissolution is required in this case at all. Rather, as soon as his parents inform him that they are upset or angry over his vow, it is automatically void.

Concerning a matter that is between him and his father – בדבר שבינו לבין אביו: In the Jerusalem Talmud, the following question is raised: In a case where a vow refers to a matter between an individual and God, such as a vow that will lead to the nullification of a mitzva, can they cite the honor of God to broach dissolution? The Gemara answers that the nullification of a mitzva does not affect the honor accorded to God, as He is not in need of our mitzvot. Rather, it is the person himself who loses out when he nullifies a mitzva.

But the Rabbis prohibit it – תחכמים אוסרין: The Rid explains the reasoning of the Rabbis, who hold that a new circumstance may not be used to broach dissolution of a vow. The basis for broaching dissolution is that the vow contained a kind of implicit condition that he took the vow given a particular set of circumstances. Therefore, if he says that when he took the vow, he had failed to anticipate a certain possibility, it is considered an admission that the vow was stated in error. With regard to new circumstances, however, the occurrence of the new circumstance is so unlikely that it cannot be viewed as a condition he had in mind when he vowed. The Rosh explains that since the likelihood of the new circumstance occurring is so low, he would have taken the vow even if he would have thought of the possibility of the new circumstance occurring.

Had I, etc. – אילו הייתי וכו': The Rambam states that even the Rabbis agree that if the one who stated the vow claims on his own that he now regrets the vow due to a new set of circumstances, this can be used as a reason to dissolve the vow, and their dispute with Rabbi Eliezer is only with regard to whether the halakhic authority may be the one to initially suggest this extenuation (*Sefer Hafla'a, Hilkhot Shevuot* 6:12). The *Taz* explains that this is why Rabbi Akiva dissolved the vow of Kalba Savua (50a). Kalba Savua took the vow based on the assumption that Rabbi Akiva would not become a Torah scholar, and because Kalba Savua himself expressed regret over his vow, Rabbi Akiva saw fit to dissolve it.

Other early commentaries offer different explanations of that incident. Some answer that becoming a Torah scholar is not considered a new circumstance, since all people have the potential to acquire such wisdom if they set out to study (*Tosafot on Ketubot* 62a).

NOTES

Vows are not dissolved properly – אין נדרים ניתרין יפה – According to the Rabbis, no one would be brazen enough to say that he does not regret taking his vow despite the shame it causes his parents, so his expression of regret cannot be accepted. Rabbi Eliezer, in contrast, holds that some people are brazen enough to maintain their vows even when faced with this claim, and therefore one who says that he regrets his vow can be believed.

”קונם לבית זה שאני נכנס” ונעשה בית הכנסת, אמר: אילו הייתי יודע שהוא נעשה בית הכנסת – לא הייתי נודר. רבי אליעזר מתיר, וחכמים אוסרין.

The mishna cites another example of a new situation. If one said: **Entering this house is *konam* for me, and that house became a synagogue, and he said: Had I known that it would become a synagogue, I would not have vowed**, in this and all such cases **Rabbi Eliezer permits** the halakhic authority to use this as a basis for the dissolution of the vow, **and the Rabbis prohibit it.**

גמ' מאי "אין נדרים"? אמר אביי: אם כן אין נדרים ניתרין יפה.

**GEMARA** The Gemara clarifies the meaning of the statement made by Rabbi Tzadok. **What does: If so, there are no vows, mean? Abaye said: It means: If so, vows are not dissolved properly.**<sup>N</sup> The one who took the vow might say he regrets doing so only because he is not willing to publicly state that he would have taken his vow despite knowing that it diminishes the honor of God. He may not actually regret having taken the vow, and this will lead to the improper dissolution of the vow.

Perek IX  
Daf 64 Amud b

NOTES

If so, there are no requests for the dissolution of vows, etc. – אם כן אין נדרים נשאלין וכו' – The Sages were concerned that this extenuation is so obvious that everyone would attempt to dissolve their own vows without approaching a halakhic authority, ultimately leading to the widespread belittling of vows. The Commentary on *Nedarim* explains that this will prevent the proper dissolution of vows, as one may mistakenly think that they can dissolve their own vows, when in fact they must approach a halakhic authority. The *Sha'ar HaMelekh (Shevuot*, chapter 6), citing the Rashba, claims that according to the letter of the law, one can dissolve his own vows. Rava is concerned that if people are allowed to apply this extenuation on their own, they may use other unacceptable methods of broaching dissolution. According to the opinion of the Rambam, if Rabbi Eliezer's opinion is accepted, and the vow is automatically void, people may think that there is no need to request dissolution from a halakhic authority even for other vows.

ורבא אמר: אם כן אין נדרים נשאלין לחכם.

**And Rava said: It means: If so, there are no requests for the dissolution of vows<sup>N</sup> to a halakhic authority.** Since this type of extenuation applies to all vows, people will therefore assume that their vows are automatically dissolved, and will not take the required steps to dissolve them.

תנן: ומודין חכמים לרבי אליעזר בדבר שבנינו לבין אביו ואמו, שפותחים לו בכבוד אביו ואמו. בשלמא לאביי, דאמר אם כן אין נדרים ניתרין – הכא, כיון דאיחצף ליה – הא איחצף ליה.

The Gemara analyzes the dispute between Abaye and Rava: **We learned in the mishna: And the Rabbis concede to Rabbi Eliezer with regard to a vow concerning a matter that is between him and his father and mother, that they may broach dissolution with him by raising the issue of the honor of his father and mother. Granted, according to Abaye, who said: If so, vows are not dissolved properly, here, since he was impudent toward him by stating a vow that subjects his parent to a prohibition, he was impudent toward him and has demonstrated that he is not concerned for their honor.** In such a case, there is no concern that he would pretend to regret his vow due to his parents' honor. This is why the Rabbis concede to Rabbi Eliezer.

אלא לרבא, דאמר אם כן אין נדרים נשאלין לחכם, הכא אמאי פותחין? – אמרי: כיון דכל נדרי לא סגינא להון דלאו חכם – הכא נמי פותחין.

**But according to Rava, who said: If so, there are no requests for dissolution made to a halakhic authority, here, in the case of one whose vow involves his parents, why may they broach dissolution in this way? Why is there not a concern that people will assume that this dissolves all vows automatically?** The Gemara answers: The Sages say in response: **Since it is not sufficient and applicable for all vows not to request dissolution from a halakhic authority, because the Rabbis maintain that in general, the honor of one's parents cannot be used to broach dissolution, here too, they may broach dissolution by invoking the honor of a parent.** There is no concern that this may lead one to think that vows are dissolved automatically, as this extenuation applies only to this particular vow.

‘ועוד אמר רבי אליעזר פותחין בגולד’  
 בו. מאי טעמא דרבי אליעזר? אמר  
 רב חסדא: דאמר קרא “כי מתו כל  
 האנשים”, והא מיתה דגולד הוא, מכאן  
 שפותחין בגולד.

§ The mishna teaches: **And Rabbi Eliezer further said: They may broach dissolution by asking about a new situation,**<sup>h</sup> but the Rabbis prohibit it. The Gemara inquires: **What is the reason of Rabbi Eliezer?** Rav Hisda said: **For the verse states that God told Moses he could return to Egypt from Midian, despite having vowed to Yitro that he would not do so: “For all the men are dead that sought your life”** (Exodus 4:19), and he took the vow only because it would be dangerous for him to return to Egypt. The Gemara explains the proof: **But death is a new circumstance,** and Moses’ vow was dissolved based on the men dying. Therefore, it can be understood **from here that they may broach dissolution by asking about a new situation.**

ורבנן מאי טעמייהו? קסברי: הנהו מי  
 מיתין? והא אמר רבי יוחנן משום רבי  
 שמעון בן יוחי: כל מקום שנאמר “נצים”  
 ו“נצבים” – אינן אלא דתן ואבירם! אלא  
 אמר ריש לקיש: שירדו מנכסיהן.

The Gemara asks: **And as for the Rabbis, what is their reason for not accepting this proof?** The Gemara answers: **They hold: These people who were seeking Moses’ life, had they indeed died? But Rabbi Yohanan said in the name of Rabbi Shimon ben Yohai: Wherever it is stated in the Torah the term striving** (Exodus 2:13), in reference to the men who slandered Moses, **or standing** (Exodus 5:20), in reference to those who complained against Moses and Aaron, **they are none other than Dathan and Abiram.** Dathan and Abiram were alive during the rebellion of Korah, which occurred years later, so they could not have been dead when God instructed Moses to return to Egypt. **Rather, Reish Lakish said: They did not literally die, but the verse means that they lost their property<sup>n</sup>** and their status in the community, which meant their opinions were no longer granted credibility, and consequently, Moses could safely return to Egypt. Such a turn of events is not considered to be a new circumstance.

אמר רבי יהושע בן לוי: כל אדם שאין  
 לו בנים – חשוב כמת, שנאמר “הבה  
 לי בנים ואם אין מתה אנכי”, ותניא:  
 ארבעה חשויין מת: עני, ומצורע, וסומא,  
 ומי שאין לו בנים. עני – דכתוב “כי מתו  
 כל האנשים”, מצורע – דכתוב “אל נא  
 תהי כמת”, וסומא – דכתוב “במחשבים  
 הושיבני כמתי עולם”, ומי שאין לו  
 בנים – דכתוב “הבה לי בנים ואם אין  
 מתה אנכי”.

The Gemara relates: **Rabbi Yehoshua ben Levi said: Any person who does not have children is considered like a dead person.** The source is as is stated in the words Rachel said to Jacob: **“Give me children, or else I am dead”** (Genesis 30:1). **And it was taught in a baraita: Four are considered as if they were dead: A pauper, and a leper, and a blind person, and one who has no children. A pauper, as it is written: “For all the men are dead”** (Exodus 4:19). As explained above, they were not actually dead but had descended into poverty, and yet they were considered dead. **A leper, as it is written that Aaron said to Moses with regard to Miriam’s leprosy: “Let her not, I pray, be as one dead”** (Numbers 12:12). **And a blind person, as it is written: “He has made me to dwell in dark places, as those that have been long dead”** (Lamentations 3:6). **And one who has no children, as it is written: “Give me children, or else I am dead”** (Genesis 30:1).

**HALAKHA**

They may broach dissolution by asking about a new situation – פותחין בגולד: A halakhic authority may broach the dissolution of a vow by asking about a matter that was not in existence at the time of the vow, but only if the outcome was likely enough that he could have anticipated it at the time he took his vow. Therefore, if one took a vow that benefit from someone is forbidden to him and that person later became the town scribe, this is not a reason to dissolve the vow, in accordance with the opinion of the Rabbis, who disagree with Rabbi Eliezer. The Rema states that death is

also considered an infrequent occurrence and is treated as a new situation. Some later authorities hold that even if the man was very ill, unless he was on his deathbed, his death is nevertheless viewed as a new situation, as most sick people recover (*Beit Yosef*; see *Shakh*). Poverty, in contrast, is common, and the Gemara therefore concludes that it is not considered to be a new situation. Similarly, a woman’s pregnancy is viewed as a likely event, and is not categorized as a new situation (Rambam *Sefer Hafla’a, Hilkhot Shevuot* 6:12; *Shulhan Arukh, Yoreh De’a* 228:12).

**NOTES**

They lost their property – שירדו מנכסיהן: Some explain that they became poor before Moses stated his vow, and therefore the vow was mistaken from the outset (Commentary on *Nedarim*; *Shita Mekubbetzet*). In the Jerusalem Talmud it is explained that loss of wealth is too common an occurrence to be considered a new situation. Based on this, the halakhic authorities say that only a

rare event is considered to be a new situation. The *Hatam Sofer* notes that even though death is certainly more commonplace than poverty, as everyone eventually dies, it is nevertheless more likely that one will see another descend into poverty than that one will see him die.