

OVERVIEW of the Daf

1) "Like the meat of a Shelamim after the blood was thrown" (cont.)

The Gemara rejects the assertion that Rami bar Chama's inquiry (If a person declared that a loaf should be the same as a piece of Korban Shelamim that is nearby what is the halacha? Did he refer to its original state, which was prohibited, or did he refer to its present state, which is permitted) is subject to a dispute between Tannaim.

The dispute between R' Yaakov and R' Yehudah is explained according to this new way of understanding their dispute.

Rami bar Chama's original question is left unresolved.

2) Vows that do not explicitly refer to offerings

A Baraisa is cited that presents a number of different terms and whether they can be used to formulate a binding vow.

The first part of the Baraisa seems to reflect the position of R' Meir and yet the latter part of the Baraisa seems inconsistent with R' Meir.

The contradiction is resolved by distinguishing between the words **הא קרבן** and the word **הקרבן**.

3) **MISHNAH:** The Mishnah discusses the use of different Korban words and whether they will produce a binding vow.

4) Clarifying the Mishnah

The first part of the Mishnah seems to reflect R' Meir's position but in a Baraisa R' Meir seems to follow a position that disagrees with our Mishnah.

The contradiction is resolved by distinguishing between the words **הא קרבן** and the word **הקרבן**.

5) Clarifying R' Meir's position

It is noted that R' Meir's ruling in the Mishnah contradicts his position of rejecting drawing positive inferences from a negative statement.

R' Abba resolves the contradiction.

6) **MISHNAH:** The Mishnah discusses one who vowed that his friend will not benefit from his mouth, hands or feet.

7) Clarifying the MISHNAH:

The Gemara assumes that the vow in the Mishnah refers to prohibiting one's speech, work or walk. This assumption is challenged from a Baraisa that rules that a vow can not take effect on something that is not tangible.

R' Yehuda answers that the vow applies to the associated parts of the body.

Support for this explanation is found in the wording of the Mishnah.

הדרן עלך כל כינויי

8) **MISHNAH:** The Mishnah presents examples of language that does not produce a binding vow.

9) Clarifying the Mishnah

The Gemara notes that the Mishnah's first ruling reflects the opinion of R' Meir. ■

Distinctive INSIGHT

Extending the interpretation of the words of the neder

אמר רבי יהודה באומר יאסר פי לדיבורי, ידי למעשיהם, רגלי להלוכן

The Mishnah taught about the validity of a neder uttered referring to one's speech, the actions of one's hands or the walking of one's feet. Yet the Baraisa clearly rules that a neder only applies in reference to an object, and not when spoken in reference to an action. How, then, asks the Gemara, is the neder in the Mishnah valid?

Rabbi Yehuda answers that the neder in the Mishnah must be understood to be referring to the speaker's mouth, hands or feet, and not to the speech of the mouth, the work of the hands or the walking of the feet. These limbs, therefore, are tangible objects, and the neder is valid. ר"ן explains that although the actual words which the person spoke did not clearly focus on the limbs, but rather upon the actions of those limbs, we use the rule of **סתם נדריים להחמיר** - vows are treated strictly, and the vow is interpreted so that it is binding.

The **שלמי נדריים** writes that it seems from the ר"ן that the only reason we can interpret the person's words as a valid neder is that the statement contains enough ambiguity to tolerate such an implication. However, if the person would say, "I declare as a **קונם** the words of my mouth," the neder would be worthless, as it clearly refers to an intangible thing (speech).

ר"ן however, writes in the name of Tosafos, that once the person mentions a tangible item among his words, for example if he says, "I declare as a **קונם** the dwelling in a sukkah upon myself," the neder is still valid, as we gear the person's words toward the sukkah. Here, too, when the person says, "I declare as a **קונם** the words of my mouth," it would be valid, as the neder would relate to the person's mouth, and not to his speech.

The **הפלאות נדריים** explains that the reason we reinterpret the words of a person and understand them as a valid neder (**אין אדם מוציא** is that the underlying principle is **נעשה כאומר**) is that the underlying principle is **אין אדם מוציא**—a person does not say words for naught. Therefore, in a case where the neder would be valid at least **מדברנן**, which is the case in regard to **דבר שאין בו ממש** in terms of **לא יחל**, and the person's words would not be for naught, we do not have to say **נעשה כאומר**. This explains the words of Rambam, Hilchos Nedarim 3:12.

Rashba rejects this approach, as we recognize the neder (**מדברנן** the hands, walking) only when the person prohibits such things upon himself. But when the person makes a general statement, there is no restriction upon others, even **מדברנן**. ■

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 By the Frankel and Wolper families
 In loving memory of their grandmother
מרת שרה בת ר' ברוך ניסן ע"ה

HALACHAH Highlight

Making a declaration, "This money is for tzedaka."

ותניא משום רבי אמרו מנין לנו לוד בכור בתוך ביתו שמצוה להקדושו וכו'

As the Baraisa teaches: It was said in the name of Rabbi how do we know that there is a mitzvah to verbally sanctify a bechor that was born in his home etc.

The Gemara makes it clear that even though a firstborn animal (בכור) is sanctified automatically, nonetheless, it is appropriate to formally declare its sanctity. Sefer Likutei Haze'evil extrapolates from this that when giving tzedaka it is appropriate to declare, "I am giving this money for tzedaka." Although the money is tzedaka without a declaration, nevertheless there is a mitzvah to make this declaration.

Rav Moshe Alshich² writes at length against those who publicly give tzedaka for their personal honor or the like. He then writes that those who have awe of Hashem in their heart and desire to give tzedaka properly, without any ulterior motive that is so despised by Hashem, should perform the following procedure. When one is aware that an appeal to the community will occur one should consider, while still home, how much is appropriate to give to that cause without any outside influence or other factors that could lead to giving extra out of ulterior motives. Once he reaches a decision about how much he would like to donate he should set aside that amount of money and declare with great joy that this money will go towards that cause. He should then go with this money in hand to the community meeting where people are making their pledges and give the

REVIEW and Remember

1. According to the Gemara's conclusion, what is the dispute between R' Yaakov and R' Yehudah
2. Explain the dispute in the Mishnah between Tanna Kamma (R' Meir) and R' Yehudah?
3. What are the differences between nedarim and Shevuos?
4. When do Chazal mandate that a person have a vow annulled to impress on him the severity of vows?

money to the treasurer who is collecting the funds.

Following this plan will allow the benefactor to donate in the most ideal fashion possible. The reason is that when he separates the money in the privacy of his own home for the sake of the mitzvah it is as if he is taking the money from Hashem's domain into his own since all money belongs to Hashem and it becomes ours when we are prepared to use it for a mitzvah. Furthermore, since the pledge was done in private he is free from outside influences that could affect the sincerity of his pledge and detract from the mitzvah. Additionally, he maximizes his mitzvah output by following this procedure since he is credited with 1) separating the funds for tzedaka, 2) transporting the funds and 3) handing the money to the treasurer. ■

1. ספר ליקוטי הזאבי אות תתקמ"ב
2. תורת משה שמות כ"ה א' ■

STORIES Off the Daf

The outrageous Neder

ואלו מותרין

A certain man had a propensity to laugh when this was not appropriate. He felt like he had no recourse but to take very strong measures so as to ensure that this didn't happen since he could sometimes embarrass himself and other people. The man decided to make a neder. In order to instill within himself the fact that this was very serious he decided to use the strongest expression he could think of and ostracize himself from people if he couldn't refrain from laughing inappropriately. He proclaimed, "If I laugh again in such a manner, my bread will be the

bread of non-Jews, my wine will be יין נסך, and I will separate from my fellow Jews!"

Unfortunately, the man subsequently laughed in an inappropriate manner. He asked his Rav what he should do. The Rav felt that if the man would assume the additional stringencies associated with חבירות he would be granted התרה even though he had made such a powerful declaration. However, the Rav was not an expert in nedarim so he decided to put this question before the Rosh.

The Rosh replied, "Know that this man does not require annulment since this language does not imply a neder at all. As for his having declared his wine to have the status of יין נסך, we don't attribute this heinous crime to him just because he declared that if he laughed this

will be the status of his wine!

The Rosh continued, "The source for this ruling is in Nedarim 13b which lists nedarim which do not take effect at all. The list includes one who declares that anything he eats of his friend's provisions will be considered, 'like pork, idolatry, or hides pierced to enable one to remove the heart of an animal as a sacrifice to idolatry.' The reason why this is permitted is that we learn that one must make a neder through something that is also made prohibited, not something that Hashem prohibited from the outset."

This story is yet another example of the intricacies of nedarim. It is not surprising that the Geonim refrained from permitting nedarim except for the sake of a mitzvah! ■

