

## OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah highlights the difference between making a vow prohibiting benefit in general and prohibiting food specifically.

### 2) Clarifying the Mishnah

It is noted that in both cases of the Mishnah it will be prohibited to derive benefit from utensils used to prepare food.

Rava explains that the Mishnah that prohibits walking through another's property is consistent with R' Eliezer who includes gratuities in the prohibition of a vow.

3) **MISHNAH:** The Mishnah highlights the difference between a נדר and a נדבה.

### 4) Clarifying the Mishnah

The Mishnah infers that the two types of vows are similar regarding the prohibition against delaying fulfillment of a vow.

A Mishnah in Kinnim is cited that notes the difference between a נדר and a נדבה.

The source that makes this distinction is noted.

5) **MISHNAH:** The Mishnah highlights the difference between a זב who had two emissions and a זב who had three emissions.

### 6) Clarifying the Mishnah

The Gemara infers that there is no difference between the cases of זב regarding tumah of the couch and seat, and of counting 7 days.

A Baraisa is cited that identifies the source of these halachos.

The source is unsuccessfully challenged.

An exposition, from a phrase similar to the one mentioned in the Baraisa, is presented.

R' Pappa notes that the two expositions seem contradictory.

Abaye explains why they are, in fact, not contradictory.

7) **MISHNAH:** The Mishnah highlights the difference between a confined metzora and a confirmed metzora.

### 8) Clarifying the Mishnah

The Gemara infers that there is no difference between the

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## REVIEW and Remember

1. What is the difference between a נדר and a נדבה?  
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2. What are the differences between a זשה who experienced two emissions and a זב who experienced three emissions?  
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3. What are the differences between a confined metzora and a confirmed metzora?  
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4. Why does touching Sefarim cause one's hands to become טמאות?  
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## Distinctive INSIGHT

### Benefit which is declared as prohibited

דריסת הרגל הא לא קפדי אינשי, אמר רבא הא מני רבי אליעזר היא דאמר יויתור אסור במודר הנאה

If Reuven prohibits Shimon from benefiting from him, the Mishnah rules that Shimon may not walk across Reuven's property. The Gemara questions why this should be prohibited, because people generally do not care if strangers walk across their property. Rashbam (Bava Basra 57b) explains that this means that the property is essentially ownerless (הפקר) in this regard, and a vow only applies to the personal property of a person, not to something that is ownerless. Turei Even, however, notes a difficulty with the explanation of Rashbam. The source of the term "יויתור" refers to a situation where a seller wishes to be sure that he is giving a full amount of a measured commodity to his customers, so he adds an additional "bonus" amount to their purchase. He is willing to forego this quantity, which is known as "יויתור". Accordingly, the concept is not one of making something ownerless, as Rashbam says.

ר"ן (to Nedarim 33b) explains that in our case, Shimon is not considered as if he is benefiting from Reuven if the item is something which people do not care about (i.e., walking across one's yard). If we understand this as a definition in the universal concept of "benefit / הנאה," we could say that any such benefit would be allowed even in regard to things that the Torah prohibits (i.e., to sit in the shade of a tree of avoda zara). Yet Turei Even explains that the rule of allowing ויתור is only valid in the realm of vows. It is only here that we follow the intent of the speaker (בנדריים הלוך אחר לשון בני אדם), and a person who articulates a vow of this type does not have in mind to prohibit a benefit which is usually granted without a fee even to strangers.

Rabbi Akiva Eiger, ז"ל, explains that Chachamim allow ויתור in the case of a vow only when the expression is stated in terms of the person ("Shimon may not benefit from my property.") The statement is meant to apply to the person and his benefit. However, if the limitation is stated in terms of the property ("My property is prohibited to Shimon."), we cannot allow any benefit, even that which is in the realm of ויתור. Here, the property is objectively and inherently off-limits, even according to Chachamim. ■

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 לע"נ ר' אהרן בן ר' יעקב מאיר ע"ה  
 by his children  
 Mr. and Mrs. David Friedman

# HALACHAH Highlight

## Sewing the parchment of tefillin and mezuzos

הא לתופרן בגידין וכר' זה וזה שוין

But regarding sewing them [Sifrei Torah, tefillin and mezuzahs] ... there is no difference between them.

The Gemara in Menachos<sup>1</sup> rules that if one wrote a mezuzah on two דפיין it is invalid. Rashi<sup>2</sup> explains that the Gemara refers to writing the mezuzah on two columns rather than one. Tosafos<sup>3</sup> writes, in the name of Rashi, that a mezuzah written on two pieces of parchment attached to one another is valid. Tosafos<sup>4</sup>, on the other hand explains that the Gemara refers to writing a mezuzah on two pieces of parchment and accordingly maintains that a mezuzah written on two pieces of parchment is invalid.

It seems as though our Gemara refutes Tosafos' position. Our Gemara mentions that regarding the requirement to use sinews for sewing there is no difference between a Sefer Torah, tefillin or mezuzahs. It seems that the only use for sinews for a mezuzah would be to sew two pieces of parchment together and as such the Gemara would be consistent with Rashi rather than with Tosafos. Rav Yair Chaim Bachrach<sup>5</sup>, the Chavos Yair, writes that the inclusion of mezuzahs in this discussion is out of place since there is no valid use for sinews for a mezuzah.

Rabbi Akiva Eiger<sup>6</sup> answers that the disqualification of using two pieces of parchment for a mezuzah applies only if one sews together the pieces of parchment after the text was written onto the parchment. If, however, the pieces of parchment were sewed together before the text was written the mezuzah is valid. Accordingly, Tosafos will explain that our Gemara which accepts the use of sinews refers to sewing pieces of parchment before the text was written, whereas the Gemara in Menachos that, according to Tosa-

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metzora that is confined and the metzora that is confirmed regarding the halacha of sending the metzora out of the city and his tumah.

R' Shmuel bar Yitzchok suggests a source which Rava rejects.

Rava suggests a source that is unsuccessfully challenged by Abaye and the Gemara.

**9) MISHNAH:** The Mishnah highlights the difference between Books of Scripture and tefillin and mezuzos.

### 10) Clarifying the Mishnah

The Gemara infers that there is no difference among Seferim, Tefillin and mezuzah regarding the halachos of sewing them with sinews and their capacity to transmit tumah.

### 11) Writing Scripture in a foreign language

A contradiction is noted between the Mishnah, which assigns sanctity to Scripture written in a foreign language, and a Baraisa that does not. ■

fos, invalidates the use of sewn parchment refers to sewing the pieces of parchment after the text was written.

Ritva<sup>7</sup> suggests another explanation to the Gemara which would be consistent with both opinions. He writes that when the Gemara mentions the use of sinew for sewing it refers to repairing parchment with sinew. Using sinew in this situation would be valid even according to Tosafos. ■

1. גמ' מנחות לג
2. רש"י שם ד"ה שני דפיין
3. תוס' שם ד"ה כתבה
4. תוס' שם לב ד"ה דילמא
5. שו"ת חות יאיר סי' קצ"ב אות י"ג וציינו הגרעק"א בגליון הש"ס
6. שו"ת רעק"א ח"א סע' רי"ג
7. ריטב"א ד"ה הא ■

# STORIES Off the Daf

## Neder vs. Nedavah

אין בין נדרים לנדבות

Our Mishnah writes that the only difference between a נדר and a נדבה is that the former is the assumption of an obligation to do something in the future, while the latter has the power to consecrate something immediately. We find, however, that a נדבה appears to be more desirable to Hashem. The Tiferes Shlomo, ז"ל, explains that this is because a נדבה takes immediate effect, while a נדר is merely the assumption of an obligation to consecrate something at some future moment. Very often, the motivation of one who undertakes a נדר is to make a commitment to a mitzvah, as long

as it will be performed later. The contributor of a נדבה does his mitzvah right away, and Hashem prefers the person who displays zeal!

In the beis midrash of Rav Yitzchak Molcho, ז"ל, in Solonika, two masmidim learned. One was a huge genius with an incredibly penetrating mind, but he was known to be quite attached to his creature comforts and was slow to extend himself for a mitzvah. The second scholar was not blessed with the first's acumen by any means, but he was known for his alacrity and joy in performing mitzvos as soon as the opportunity arose.

Whenever the more accomplished scholar would share his chidushim with Rav Yitzchak, the Rav would compliment him highly. However, when the other scholar would enter the beis midrash, Rav

Molcho would go further and rise as a show of respect. This irritated the first scholar to no end. Although Rav Yitzchak was not obligated to stand for either of them because his scholarship surpassed them both, there was no doubt that the first talmid chacham was far more accomplished than the second. One day, the sharper man decided to take this up with the Rav.

Rav Molcho explained, "The other man's deeds exceed his knowledge, but his zerizus proves that all of his learning is done for the sake of heaven! This is a person whose study is most worthy of my respect. Your lax attitude shows that you lack love of Hashem. If you would only internalize your learning, you would feel a powerful love of Hashem. The natural outgrowth of such love is zeal to do His will! ■

