

OVERVIEW of the Daf

1) Determining the author of the Mishnah

The Gemara initially assumes that the term "לחולין" means that it is not חולין but rather it is like a Korban. Accordingly, the Mishnah does not seem to align with R' Meir nor with R' Yehudah.

It is suggested that the Mishnah follows R' Yehudah's position.

The suggestion that the Mishnah follows R' Yehudah is challenged.

The Gemara is forced to admit that there are two versions of R' Yehudah's opinion.

2) The term לחולין

A Baraisa elaborates on the implications of different forms of the word "לחולין".

The Gemara infers from the first part of the Baraisa that it follows R' Meir and yet this leads to a contradiction in the opinion of R' Meir.

The Gemara suggests that the Tanna of the Baraisa follows R' Meir on one point and disagrees with him on a second point.

R' Ashi offers an alternative resolution that completely aligns the Baraisa with R' Meir.

3) "Like the meat of a Shelamim after the blood was thrown"

Rami bar Chama inquires about the meaning of the declaration, "This object is like the meat of a Shelamim after the blood was thrown."

The Gemara challenges the premise of the question since he is associating the object of his neder with a permitted object.

Rami bar Chama's inquiry is revised. ■

REVIEW and Remember

1. Explain the principle: מכלל לאו אתה שומע הן
2. If one makes a vow that an item should be "like Yerushalayim", what is the result?
3. What is the meaning of the phrase "לחולין"?
4. According to the Gemara's conclusion, what is Rami bar Chama's inquiry?

Distinctive INSIGHT

התפסה—Associating a permitted item to one that is prohibited

בעי רבי בר חמא הרי עלי כבשר זבחי שלמים לאחר זריקת דמים, מהו?

The Gemara presents the concept of התפסה בדבר הנדור. This is where a person prohibits an object upon himself. More specifically, the person identifies an item that is permitted, and he links and associates it with another object which is prohibited. There are two categories of prohibited items. One is an item which has become prohibited due to a declaration of a vow, where someone said, "This is prohibited." If, subsequent to this arrangement, the person says, "This permitted item should have the status of this prohibited item." In this case, the statement is valid, and the permitted item becomes prohibited. Another category of a prohibited item is one which is intrinsically prohibited due to the Torah's law, and not due to someone's having declared it as such. An example of this is blood of an animal, or a בכור offering. Associating a permitted object with an object of this kind does not result in the item's becoming prohibited. Ritva explains that something prohibited due to a person declaring it as such is an איסור חפצא, while something which is prohibited due to the Torah having declared it as such is an איסור גברא.

Rami bar Chama asks about a case where a person pronounced a neder and declared a loaf to be "as the flesh of a shelamim offering." The loaf is prohibited, because the meat from the offering is an example of something that is prohibited due to its owner's having declared it as such. Also, if he said, "This loaf should be like the flesh of this shelamim before the sprinkling of its blood," the loaf is prohibited. However, if the person said, "This loaf should be as the meat of a shelamim after the sprinkling of its blood," the loaf is permitted. The flesh of the offering is permitted to be eaten by its owner once the blood has been sprinkled, and the association to it at this point is an association to a permitted item.

The question of the Gemara is when a person pronounces a neder while referring to meat which is in front of him, and it is from a shelamim after the sprinkling of the blood. The question is when he says, "This loaf is to me as this meat." Is the person thinking that the meat is basically a shelamim (בעיקרו), thus prohibiting the loaf, or is he thinking about the current specific status of this piece of meat, which is now permitted.

This issue is not resolved in our Gemara, and the Rishonim argue about the halacha. Rambam (Nedarim 1:15) rule that the loaf is prohibited. Kesef Mishnah explains that this is a ספר דאורייתא, where we rule strictly. Ran, however cites Rif and Ramban (see later, 13a, ד"ה ולענין הלכה) and rules that the person's words refer to the current status of the meat (בהשתא), which, after the sprinkling of the blood, is permitted. ■

HALACHAH Highlight

Pronouncing the word לחיים with a sheva

והא דאמר לא חולין דמשמע לא ליהוי חולין אלא כקרוב

And this is where he said Lachullin [with a patach rather than a sheva] which implies that it is not chullin but it should be like a korban

Tur¹ writes that Maharam of Rottenburg was particular to recite the words זכרנו לחיים, recited between Rosh Hashanah and Yom Kippur, with a sheva under the lamed rather than a patach under the lamed. His reasoning was that the word לחיים could be understood to mean לא חיים—not life, similar to the way our Gemara understands the word לחולין to mean לא חולין—not chullin. Mishnah Berurah² also writes that between Rosh Hashanah and Yom Kippur, which are days of judgment, one should be more particular with his words and recite the word לחיים with a sheva rather than a patach so that it should not sound as if he is saying לא חיים—not life. During the rest of the year, however, we are not particular about this issue since it is not a period of judgment, Therefore we say והעמידנו מלכינו לחיים Stand us up, our King, for life.

Sefer Avnei Shoham³ takes note of the fact that the Ge-

mara refers to three books that are opened on Rosh Hashanah—one for the righteous, one for the wicked and one for the intermediate people. One of the piyutim, however, mentions שלשה ספרים מנוקדים—three “dotted” books and it is not clear to what the poet is referring. Avnei Shoham suggests that in the book of the righteous the word לחיים is written with a sheva, in the book of the wicked it is written לחיים with a patach that means “not life,” and the intermediate people are written without any vowels and they are inserted on Yom Kippur. Therefore, the reference in the piyut to “dotted—מנוקדים” books is to the vowels - נקודות—that help us pronounce words. He takes this idea one step further to explain the prayer of אלקא דמאיר ענינא—that people recite during a time of distress. In our Gemara R’ Meir disagrees with the Tanna who is concerned that the word לחולין could be interpreted negatively, and he maintains that we do not draw negative inferences from positive statements. Consequently, he interprets everything positively, so we turn to R’ Meir for assistance to transform our current difficulty into something positive. ■

1. טור או"ח סי' תקפ"ב

2. מ"ב שם ס"ק ט"ז

3. ספר אבני שוהם עה"ת סוף פרשת ואתחנן ■

STORIES Off the Daf

The broken diet

כל תנאי שאינו כתנאי בני גד ובני ראובן אינו תנאי

Acertain woman was once diagnosed with a serious medical problem. If she would stick to the diet prescribed by her doctor, she was assured that all would be well. If not, her condition would make her life miserable and could become fatal. Understandably, the woman was very frightened by her doctor's warning, especially since he didn't mince words. He firmly explained the entire trouble to her. However, she knew herself and feared that she would not be able to stick to her diet unswervingly. She decided that she needed a very strong motive to keep to

her plan no matter what. The only thing she could think of was to make a neder as a deterrent. She made a vow that if she broke her diet she would give a thousand dollars to charity. In 1956, when this story took place, that was a huge sum, and she felt sure that this would ensure that she kept to her diet.

When her husband found out he didn't know what to do. Hilchos nedarim are very complicated and whoever he spoke with was convinced that he understood the halachic ramifications of the neder. The confusing part is that one Rabbi claimed the neder took effect immediately whether she broke her diet or not, just like any pledge to charity. Another stated that the neder didn't take effect even if she overate, since she had not made a תנאי כפול, a doubled condition stating that

if she will keep her diet she won't have to pay the money and if she doesn't she will. Any stipulation not doubled like that of Bnei Gad and Bnei Reuven is not a stipulation.

One Rav placed this question before Rav Moshe Feinstein, zt"l. He answered, “The vow certainly takes effect since we don't hold that the laws of stipulations apply to nedarim, shevuos, hekdesch, or charity. See Yoreh De'ah 258:10. But she only pays if she overeats to an extent that people would call it breaking her diet—not just any tiny infraction. And she need not pay a dime if she doesn't break her diet.”

The Gadol concluded, “Of course, if her husband had annulled her vow on the day he heard it, it would have been null and void even if the wife has her own money to pay the vow in the event of overeating...” ■

