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בס"ד Intro

Today we will בע"ה learn מסכת נדרים of דף ט"ו learn about include.

The Mishnah's case of 'קונם שאני ישן וכו' A person made a נדר to prohibit his sleep

The Gemara's initial reasoning that this מדר is effective מדארייתא

Because this is a case of

קונם עיני בשינה היום אם אישן למחר

He made a מדר to prohibit sleep for his eyes that day, with a תנאי, a stipulation, that the מדר is only effective if he will sleep the next day.

And the Machlokes רב יהודה ורב נחמן whether we say בתנאה מזדהיר

A person is cautious even with a תנאי

רב אשי's reasoning that this דר is only effective מדרבנן, because

שינה דבר שאין בו ממש הוא

A מדר CANNOT take effect on something of NO substance, such as sleep and speech

The Mishnah's case of

קונם שאני משמשך

A husband that made a תשמיש, marital relations with his wife;

The נדר IS effective only

באומר הנאת תשמישך עלי

He imposed an Issur on himself to receive benefit from HER תשמיש

But the תשמישי עליך is NOT effective if he said תשמישי עליך When he imposed a נדר on HER to receive benefit from HIS תשמיש,

דמשתעבד לה

Because he is obligated to her

Some of the terms and concepts we will learn about include

קונם שאני ישן וכו'

קונף איני בלינה היוף

בדר מדרבנן

בדר מדרבנן

בדר מדרבנן

בדר שינה

בדר שאין בו

מזדהיר

ממש



פבועה שלא אישן שלשה ימים
מלקין אותו וישן לאלתר
מלקין אותו וישן לאלתר
If a person makes a שבועה that

If a person makes a שבועה that he will NOT sleep for 3 days, the שבועה is NOT effective;

He is punished with Malkos for making א שבועת שוא, an oath in vain, and he may sleep immediately, because

It is NOT possible for a person to avoid sleep for 3 days.









So let's review ...

Zugt Di Mishnah

קונם שאני ישן

שאני מדבר

שאני מהלך

הרי זה בלא יחל דברו

If a person makes a נדר to prohibit, his sleep, his speech, his walking, the בל יחל is effective, and the Issur בל יחל applies.

The Gemara explains:

The Mishnah's cannot be understood literally that he made a TI to prohibit sleeping, talking or walking, because

שינה

דבר שאין בו ממש הוא

A TO CANNOT take effect on something of NO substance, such as sleep and speech.

Therefore, the Mishnah must be referring to a case in which he says קונם עיני בשינה

He prohibits his eyes to sleep. This נדר IS effective, because עיני - דבר שיש בו משש

His eyes DO have substance.

However the Mishnah CANNOT refer to a case of קונם עיני alone, because that בשינה is NOT effective either, because, as R' Yochanan says;

שבועה שלא אישן שלשה ימים

מלקין אותו

וישן לאלתר

If a person makes a שבועה that he will NOT sleep for 3 days, the שבועה is NOT effective. He is punished with Malkos for making אבועה שוא an oath in vain, and he may sleep immediately, because

אי אפשר לקיימו

It is NOT possible for a person to avoid sleep for 3 days. Such a rr is likewise not on.

The Ran adds that we cannot say that the Mishnah is referring to a simple case of

באומר קונם עיני בשינה היום

Because that would be a פשיטא that the Neder is חל







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The Gemara continues that the Mishnah also cannot be referring to a case of

באומר קונם עיני בשינה למחר

אם אישן היום

He made the נדר to prohibit sleep for his eyes tomorrow, נדר that the בתנאי is only effective if he sleeps today.

Because this too would be a פשיטא, because everybody agrees שישו היום

He is permitted to sleep today, during the תנאי, because לא חיישינו שמא ישן למחר

There is NO concern that he will sleep tomorrow, during the אנד, because

באיסורא מזדהיר

A person is cautious with the איסור itself.

And if he does sleep today, it's a פּשִּיטא, that tomorrow הרי זה בלא יחל דברו

Therefore, the Mishnah must be referring to the case of the

מחלוקת רב יהודה ורב נחמן

In which he made a תנאי, and said

קונם עיני בשינה היום

אם אישן למחר

He made a דר to prohibit his eyes from sleep today, with a תמא, a stipulation, that the נדר is only effective if he will sleep tomorrow;

רב יהודה says

אל ישן היום שמא ישן למחר

He is prohibited to sleep today, during the נדר, because there IS a concern that he might sleep tomorrow, during the תנאי, in which he will have violated the דבר retroactively.

דבתנאה לא מזדהיר

A person is NOT as cautious with a תנאי

Therefore, we interpret the Mishnah according to Rav Yehudah's opinion as follows;

אל ישן היום

דאי ניים הרי הוא בבל יחל דברו

He is prohibited to sleep today, during the אדר, because it's a possible transgression of בל יחל, because he might sleep tomorrow, because

בתנאה לא מזדהיר

רב נחמן disagrees and says

ישן היום

ולא חיישינן שמא ישן למחר

He is permitted to sleep today, during the גדר, because there is NO concern that he will sleep tomorrow, during the אתאי, because

בתנאה

מזדהיר

A person is cautious even with a תנאי.

Therefore, we interpret the Mishnah according to Rav Nachman's opinion as follows;

שן היום

אע"פ שהוא בלא יחל דברו

He is permitted to sleep today, during the א. even though there is a possibility of בל יחל if he sleeps tomorrow, because

בתנאה מזדהיר











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says that the Mishnah CAN be understood literally in which he prohibits sleep itself;

And the Rosh adds that he limits it ליזמן קבוע, to a day or two, which is אפשר לקיימו;

And although the מדאורייתא is NOT effective מדאורייתא, because שינה,

דבר שאין בו ממש

However,

ומאי בל יחל

מדרבנן

The מדרבנן is effective מדרבנן.



6 The Mishnah continues

האומר לאשה

קונם שאני משמשך

הרי זה בלא יחל דברו

If a husband made a תשמיש to prohibit תשמיש, marital relations with his wife;

The נדר is effective.

The Gemara asks:

How can this ur be effective?

והא משתעבד לה מדאורייתא

He is obligated to her, as the Pasuk states;

שארה כסותה ועונתה לא יגרע

And he cannot impose an Issur that overrides the שיעבוד, because, as the Ran explains;

אלמוה רבנן לשיעבודה דאשה

The Chachamim strengthened the wife's תשמיש for תשמיש

Therefore, the Gemara explains that the Mishnah refers to a case

באומר הנאת תשמישך עלי

He imposed a ידי on himself to prohibit him from benefitting from HER תוב IS effective, because the Issur is on him, NOT on her.

And HER שיעבוד CANNOT compel him for תשמיש, because אין מאכילין לו לאדם דבר האסור לו

Just as we CANNOT compel a person to eat a prohibited food, HER שיעבוד CANNOT compel him to violate his זנדר.

However

תשמישי עליך

כופין אותו ומשמשתו

When he imposes a נדר on HER to prohibit her from benefitting from HIS תשמיש IS NOT effective, and he is compelled for תשמיש, because

דשעבודי משעבדת ליה

His נדר cannot override her שיעבוד.









The next Mishnah contrasts with the previous Mishnah and highlights

זה חומר בשבועות מנדרים

In this Halachah שבועות are more stringent than, The previous Mishnah taught

קונם שאני ישן

שאני מדבר

שאני מהלך

When a person makes a נדר that he will NOT sleep, the נדר is NOT חל מדאורייתא, because

איסור חפצא

The Issur takes effect upon the object. Therefore, a נדר must be on a

דבר שיש בו ממש

Something of substance

This Mishnah teaches

שבועה שאיני ישן - שאיני מדבר - שאיני מהלך - אסור

If a person makes a שבועה, an oath that he will NOT sleep, speak, or walk, the חל מדאורייתא is חל מדאורייתא, because,

The Issur takes effect upon the person. Therefore, a שבועה can be הו even on a

דרר שאיו רו ממש.

Something of NO substance

The Mishnah continues with three statements that are NOT effective:

And the Ran explains;

קרבן לא אוכל לך

מותר

As a שבועה it's not effective because בחיי הרבו משתבע

He is swearing by the animal's life, which is NOT а שבועה.

As a נדר it's not effective because he's saying קרבן יהא מה שלא אוכל משלך

That which he does NOT eat shall be like a Korban, which implies, but that which he DOES eat is not prohibited, which is NOT a נדר

2.

הא קרבן

שאוכל לר

With the ה"א as a separate word, this statement can only be understood as a שבועה, and it is NOT effective, because, משמע בחיי קרבן משתבע













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3. לקרבן לא אוכל לך מוחר

As the Ran has the Girsa ילא קרבן, the Lamed with a Pasach – and certainly according to the Girsa ילא קרבן;
This statement can only be understood as a מדר.
And it's NOT effective, because he's saying;
That which hadoes NOT out shall not be like a Korban.

That which he does NOT eat shall not be like a Korban - And the only way this can be a sign is by implication that which he DOES eat IS like a Korban and prohibited. However, this Mishnah

רבי מאיר היא

דלא אמרינן מכלל לאו אתה שומע הן

The Gemara adds that on דף י"ג the Mishnah taught לקרבן לא אוכל לך

רבי מאיר אוסר

The The IS effective, because, according to the Ran, the Lamed is read with a Shvah, and is understood as a statement of 2 parts;

It's a קרבן,

And therefore I will not eat from you





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