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Intro

Today we will בע"ה learn פסכת נדרים of סיכת נדרים of סיכת נדרים of of the topics we will learn about include

נודרין להרגין ולחרמין ולמוכסין שהיא תרומה אף על פי שאינו תרומה שהן של בית המלך אף על פי שאינן של בית המלך

If a person's property is being threatened to be taken away illegally, he is allowed to make a נדר that the foods that these people are trying to take away from him are חרומה or that they belong to the king, and that if they are not, then all fruits will be אסור to him.

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דברים שבלב אינן דברים

If a person makes a נדכ that simply means one thing and in his mind he's thinking that he means something else, the נדר goes by what he said and not by what he meant.

The exception to this is if we have enough of a reason to say that the simple meaning is what he was thinking

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נודרין
להרגין - ולחרמין - ולמוכסין
שהיא תרומה
אף על פי שאינו תרומה
שהן של בית המלך
אף על פי שאינן של בית המלך
אף על פי שאינן של בית המלך
אינן דברים

דינא דמלכותא דינא

If a government has laws that don't go against the חורה, a person is obligated to keep those laws

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הרי נטיעות האלו קרבן אם אינן נקצצות טלית זו קרבן אם אינה נשרפת

If a person said that if his saplings are not felled, or if his טלית is not burned, their value should be designated as a

יש להן פדיון

This phrase is another way of saying

They are הקדש, even though he only made the הקדש because he was sure that they would be destroyed.

This is because we say

דברים שבלב אינן דברים









So let's review ...

זאגט די משנה זאגט די משנה נודרין להרגין ולחרמין ולמוכסין שהיא תרומה אף על פי שאינו תרומה שהן של בית המלך אף על פי שאינן של בית המלך

If a person's property is being threatened by - a person who will kill him if he doesn't relinquish his property;

םרמין – a robber;

- a tax collector who is not authorized by the king, or not fully authorized by the king;

He is allowed to make a נדר יאסרו פירות העולם עלי אם אינן של בית המלך

He says that the foods that these people are trying to take away from him are תרומה or belong to the king - and if he's lying and they are not what he claims them to be, all fruits shall become אסור to him.

This will induce them not to take it away.



This will induce them not to take it away.



Dedicated By: _





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The גמרא explains, according to the Ran; אי דאמר יאסרו פירות עולם עלי לעולם

איתסרו עליה כל פירי עלמא

All fruits would indeed become אסור to him forever, because

דברים שבלב אינן דברים

What he had in mind cannot contradict that which he explicitly stated.

אי דאמר היום לא מקבל מיניה

If he says that all fruits shall become אסור to him for that day, they won't believe him because it's not a big enough consequence.

Therefore, we must say that the case is באומר בלבו היום

ומוציא בשפתיו סתם

He says that all fruits shall become אסור to him without specifying for how long, but he thinks in his mind that the נדר is only for that day.

As the Ran explains;

Generally, the fruits would become אסור forever, because the simple meaning of these words סתם are understood to mean indefinitely - And,

דברים שבלב אינן דברים

His thoughts cannot change the meaning of his words where the words have a clear understanding. However, לגבי אונסין שאני

In this case, the situation of אונה indicates that his words are to be understood as היום; he only meant to forbid them for one day – which is indeed what he had in mind. However, in the first case where he says לעולם, even in a situation of אונס, his words explicitly contradict this indication, as explained earlier.

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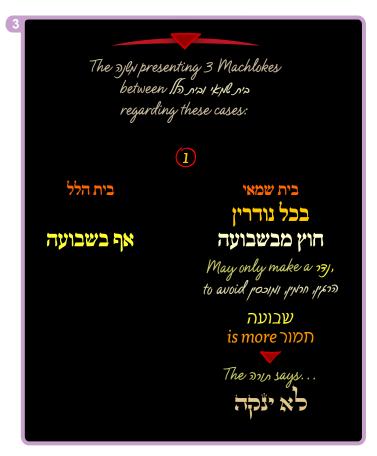






The משנה continues by presenting three Machlokes between בית שמאי ובית הלל regarding these cases:

1. בית שמאי אומרים בכל נודרין חוץ מבשבועה ובית הלל אומרים אף בשבועה ובית הלל אומרים אף בשבועה בית שמאי say that a person may only make a בית שמאי, but not a שבועה, to avoid הרגין, חרמין, ומוכסין Because שבועה is more חמור more severe, since the תורה מאץ שבועה says לא ינקה say that a person is allowed to even make a שבועה.



2. בית שמאי אומרים לא יפתח לו בנדר ובית הלל אומרים אף יפתח לו ובית הלל אומרים אף יפתח לו ובית הלל אומרים אף יפתח לו if they demand of him to make a נדר to buttress his claim that the foods are תרומה or the King's. בית הלל say that a person is allowed to offer to make a בית הלל.









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3.

בית שמאי אומרים במה שהוא מדירו ובית הלל אומרים אף במה שאינו מדירו

בית שמאי say that a person is not allowed to add anything to the נדר that they demand of him.

בית הלל say if they demand that the person make a specific גדר, he is allowed to add to it.

The משנה proceeds to present an example:

כיצד

אמר לו אמור קונם אשתי נהנית לי

. ואמר קונם אשתי ובני נהנין לי

If they demanded that he make a נדר that his wife may not benefit from him, and he made a נדר that his wife and children may not benefit from him;

בית שמאי אומרים אשתו מותרת ובניו אסורין

ובית הלל אומרים אלו ואלו מותרין

בית שמאי say that his wife is מותר after that day, and his children remain אסור forever.

בית הלל say that both his wife and children are מותר after that day.

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The גמרא proceeds to the next משנה זאגט די משנה הרי נטיעות האלו קרבן אם אינן נקצצות טלית זו קרבן אם אינה נשרפת טלית זו קרבן אם אינה נשרפת

If a person said that if his saplings are not felled, or if his odin is not burned, their value should be designated as a קרבן;

And as the גכורא explains, this cannot mean that the saplings will never be cut down, because all trees will eventually be cut down;

Rather it means that there was a strong wind and the person expected the sapling to be felled, or there was a fire and the person expected the שלית to be burned;

The דין is

יש להן פדיון

This phrase is another way of saying קדושות

They are הקדש, even though he only made the הקדש because he was sure that they would be destroyed.

The next part of the משנה will be presented in the next דף.





