



בס"ד Intro

Today we will בע"ה learn Daf מסכת נדרים of מסכת נדרים. Some of the topics we will learn about include.

Our Daf deals mainly with the following two topics: אין אדם אוסר נכסי חבירו על חבירו

A נדר only works in one of two ways:

1.

He places a נדר upon HIS own object to forbid OTHERS to benefit from it. OR.

2.

He places a נדר upon someone else's object to forbid it to HIMSELF.

However, a person cannot place a נדר upon someone else's object to forbid it to others.

אין אדם אוסר נכסי תבירו על חבירו על חבירו על חבירו איז only works in one of two ways:

1 ②
Places a איז upon HIS own object to forbid OTHERS

A person cannot place a איז upon of the place a איז upon by the place a איז upon of the place a איז upon by the place a איז upon someone else's object to forbid it to others

The Gemara asks whether one can forbid his own possessions forever, so that the איסור would remain even after it's no longer his; for example, after he dies, or after he sells them.

The Gemara also discusses the Halachah of הילופין and ידולין.

גידולין, the growths of something that is אסור בהנאה, are forbidden as well.

חילוף is an attempt to transfer the status of איסורי, such as תיסורי, onto another object.

Such an exchange is only possible for items of Avodah Zara and Shemitta produce.

The Gemara discusses whether the רבנן forbade the person who attempts to transfer other איסורים to benefit from the exchange item.









Through its discussion, the Gemara references the following ideas as well.

אין אדם מקנה דבר שלא בא לעולם

A person cannot sell something that does not yet exist. The Gemara discusses whether he can make a נדר on such an object, to forbid himself or others to benefit from it.

האומר לאשתו קונם שאני נהנה ליך לווה ובעלי חובין באין ונפרעין

A woman can be forbidden through a זדר to benefit from her husband, if he made the זדר before they were married. However, since her husband is obligated to support her, he has to reimburse the person who provided for her if she borrowed money specifically for this purpose. The Gemara discusses why we don't consider the repayment of this loan as a form of benefit from the husband.





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1 So let's review...

The Mishnah in the previous Daf makes a distinction between a נדר expressed as קונם לביתך And קונם בית זה

## Zugt di Mishnah;

האומר לחבירו קונם לביתך שאני נְכנס

ושדך שאני לוקח

If someone says, YOUR house or field shall be forbidden to me, he only meant for the נדר to be effective as long as it belongs to the present owner. Therefore,

מת או שמכרו לאחר

מותר

If the owner dies or sells it, it becomes permitted.

However, if he says

קונם בית זה שאני נכנס

שדה זו שאני לוקח

THIS house or field shall be forbidden to me, he means for the to be effective indefinitely. Therefore,

מת או שמכרו לאחר

אסור

It is forbidden even after the owner dies or sells it.





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Now, the Mishnah speaks of where he forbids someone else's house upon himself. However, the Gemara asks about a case where he forbids his house upon others.

Certainly, if he says קונם לביתי שאתה נכנס MY house shall be forbidden to you; מת או שמכרו לאחר מותר

It's becomes מותר once he does not own it any more.

However, if he says קונם לבית זה שאתה נכנס THIS house shall be forbidden to you; מת או שמכרו לאחר מהו

The Ran explains that the words בית זה certainly mean that he wants the איסור to remain even afterwards. However, the question is; is it effective?

Do we say אדם אוסר דבר שברשותו לכשיצא מרשותו And as the Ran explains; מצי עביד

כיון דנכסיה השתא ברשותיה נינהו

He CAN create an איסור now, when he owns it, to remain effective even when he does not own it any more. או לא

כיון דלאחר מכן נפקי מרשותיה והוי להו כנכסי חבירו על חבירו

OR - He cannot create an איסור now for when he does not own it, because

אין אדם אוסר דבר שאינו שלו

A person cannot create an איסור upon something that he does not own to become forbidden to others.

The Gemara brings proof from the following Mishnah: קונם שאי אתה נהנה לי בחיי ובמותי

A father can forbid his son to benefit from his future inheritance. Clearly, as long as one owns the item at the time that he makes the דו, the איסור remains even at a later time when he no longer owns it.

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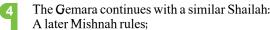












קונם פירות האלו עלי אסור בחילופיהן ובגידוליהן

If someone says, these fruits are Konam to me, he is also forbidden from benefiting from their exchanges and growths.

Upon which בעי רמי בר חמא אמר קונם פירות האלו על פלוני מהו בחילופיהן

If he says, these fruits are Konam to others; are the others also forbidden from benefiting from the exchanges.

## The Ran explains:

Exchanging איסורי הנאה is certainly a forbidden form of benefit. However, the substitute only becomes forbidden מדאורייתא in certain איסורים, such as Avodah Zara and Shmitta produce. However, this Mishnah deals with נדרים for one of מדרבנן for one of two reasons, upon which this Shailah depends.





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Do we say that חילופיהן are חילופיהן to others, because the reason that אסור are חילופיהן to him is because we understand that his original intention was for his דר to include substitutes as well - and if so, he only has the power to forbid HIMSELF בחילופיהן, but he cannot forbid OTHERS דר שלא בא לעולפיהן, because since at the time of his דבר שלא בא לעולם and it's comparable to an object owned by someone else. Therefore, just as אין אדם אוסר נכסי חבירו על חבירו על חבירו על חבירו על און אדם אוסר דבר שלא בא לעולם על חבירו אין אדם אוסר דבר שלא בא לעולם על חבירו And אין אדם אוסר דבר שלא בא לעולם על חבירו are therefore סוותר to others?

(?) DO WE SAY... חילופיהן חילופיהן TIDK to HIM. to OTHERS His original intention was his 171 to include substitutes Can only forbid He cannot forbid בחילופיהן HIMSELF בחילופיהן OTHERS So too. **Just** as אין אדם אוסר אין אדם אוסר נכסי חבירו דבר שלא בא לעולם על חבירו על חבירו

Or, it makes no difference, and חילופין are similar to גידולין, and are אסור to others, because this is not a Halachah unique to הלכות נדרים, but rather applies to all איסורי הנאה. Although

חילופיהן are not אסור in most איסורי הנאה; however, מדרבנן they are אסור specifically to the person who attempted the exchange.

According to this understanding, if he said קונם פירות קונם פירות, that person would also be forbidden from any  $\pi$  that he tries to exchange.









The Gemara brings two cases to clarify this point: האומר לאשתו קונם שאני נהנה לך לווה ובעלי חובין באין ונפרעין

If a husband forbade his wife to benefit from him, she may borrow money to pay for her needs, and since her husband is obligated to support her, he must repay her loan. The Gemara assumes that the creditor's money is considered a substitution for her husband's money, yet such a payment is permitted.

Similarly, המקדש בערלה אינה מקודשת מכרן וקידש בדמיהן הרי זו מקודשת One cannot be מקדש a woman with ערלה, the fruit of a tree's first three years, because they are אסור בהנאה. However, he can use the earnings from the sale of ערלה for the קידושין. In this case as well, we permit him to benefit from חילופין, an item substituted for איסורי הנאה.

2 cases to clarify this point: המקדש בערלה האומר לאשתו אינה מקודשת קונם שאני נהנה לך לווה ובעלי חובין מכרן וקידש בדמיהן הרי זו מקודשת באין ונפרעין מקדש One cannot be Husband forbade his wife to a woman with ערלה, they are akpa nok benefit from him She may borrow money He can use earnings to pay for her needs, from the sale of ערלה for the קידושין since her husband is obligated to support her, We permit him to he MUST repay her loan benefit from ויאופין, The creditor's money is a substituted for איסורי פנאדי substitution for her husband's, yet is permitted

The Gemara explains that these are not conclusive proofs. It's possible that it is forbidden חילופין to use חילופין, yet this would not stop the loan or marriage from taking place, because at the time of the loan the money was not yet a substitute, so she was allowed to use the money, and the debt must now be paid. Likewise, he may be forbidden to marry with this money,

but the marriage is still valid.

These are NOT conclusive proofs It's possible... מדרכנן It IS forbidden to use חילופין Yet this would NOT stop the loan or marriage from taking place At the time of the loan the money was NOT yet a substitute She was ALLOWED May be FORBIDDEN to use the money, to marry with and the debt must this money, now be paid but the marriage is still valid







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Although the Gemara leaves this issue unresolved, the Ran says that the Halacha follows the lenient opinion that חילופיהן are איסור, since it is merely a question of an איסור איסור.





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