

שבת קודש פרשת ויחי | מסכת נדרים דף יא'

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**INSIGHTS FROM
OUR CHABUROS**

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 הנדור. This is where a person prohibits an object upon himself. More specifically, the person identifies an item that is permitted, and he 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 ספק 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.

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?

**STORIES
OF THE DAF**

The broken
diet

כל תנאי שאינו כתנאי בני גד ובני ראובן אינו תנאי

A certain 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..."

