

שבת קודש פרשת ויחי | מסכת נדרים דף יא'

לע"נ בילה שרה בת אפרים הכהן זצ"ל This week's newsletter has been sponsored

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?

he Gemara presents the concept of חנדור התפסה בדבר הנדון. 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 חווש 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 גברא, 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, 15c in iducing a "מוֹר ("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

כל תנאי שאינו כתנאי בני גד ובני ראובן אינו תנאי

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

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 she overate, since she had not made a תנאי כפול she overate, since she had not made 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, hekdesh, 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..."

HALACHA HIGHLIGHT

Pronouncing the word לחיים with a sheva

והא דאמר לא חולין דמשמע לא ליהוי חולין אלא כקרבן

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

ער'נו לחיים writes that Maharam of Rottenburg was particular to recite the words יחסד, 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 יחסיל could be understood to mean ילא חיים הot life, similar to the way our Gemara understands the word לחולין to mean ילא חולין to mean ילא חולין הסל to mullin. 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 שלחים with a sheva rather than a patach so that it should not sound as if he is saying יחסד שלה הסל אוים הסל אוים העם הלינו לחיים. Stand us up, our King, for life.

Sefer Avnei Shoham takes note of the fact that the Gemara refers to three books that are opened on Rosh Hashanahone for the righteous, one for the wicked and one for the intermediate people. One of the piyutim, however, mentions מנוקדים שלשה ספרים —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 D'I'N 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 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

PARSHA CONNECTION

In this week's daf, the גמרא discusses the concept of שומע הן שומע הן אוארה שומע הן אואר שומע הן שומע אונה means that one can infer from a negative statement that the opposite would be positive/true. We find this same concept in the beginning of the פרשים, where the possuk (מרש מסוק כח') writes: ויחי יעקב בארץ מצרים שבע עשרה שנה ויהי ימי־יעקב שני חייו ask the following question: since we know how old שנים ומאת שנה מצרים ask the following question: since we know how old יעקב was when he came to מצרים, which was 130 (like he told מצרים in last week's מצרים) and he lived to be 147, we can figure out ourselves that he lived in מצרים for 17 years. So why does the תורה tell us how long he lived in מצרים? The answer given by the בעל הטורים is that these 17 years were his best years, which implies that his other years were not good years.

מכלל לאו אתה שומע הן. We can understand why these were good years, given the fact that all of his children were settled and יוסף was the ruler מצרים and providing them with their needs, but why is it mentioned here, and what is the context for this message within the overall פסוק detailing his total years? The אלשיך הקדוש explains that this relates back to last week's פרשה where we find the discussion between יעקב and פרשה sayer is very perplexing. The possuk (יעקב אל־פרעה ימי שני מגורי) says: וואמר יעקב אל־פרעה ימי שני מגורי (בראשית פרק מז' פסוק ט') שלשים ומאת שנה מעט ורעים היו ימי שני חיי ולא השיגו את־ימי שני חיי אבתי

בימי מגוריהם. Why does יעקב say that his years didn't reach the years of his forefathers? How does he know how long he has to live? The אלשיך אלשיך explains that when it says that his years did not reach those of his forefathers it refers to "good" years. יעקב was saying that he had very few good years compared to his forefathers. It therefore continues in this week's פרשה and enumerates that he "lived" 17 years, meaning good years in מצרים and because these were the last years of his life, he felt that his total years were 147, this is so because one who lives well at the end of their life feels like their total life was good!

POINT TO PONDER

The גמרא says that ה"מ doesn't hold that מכלל לאו אתה שומע הן and brings a proof from the conditions set with בני גד ובני ראובן. How does this prove his position? Maybe there's a specific גזירת הכתוב which stipulates that a תנאי must be explicitly spelled out?

Response to last week's Point to Ponder:

The Gemara says that חטאת מחסידים הראשונים wanted to bring a חטאת and looked for a way to obligate themselves to bring a חטאת. Why didn't they have the same concern regarding bringing a אשם, which is also brought for a sin?

Although they couldn't bring a קרבן אשם בנדבה they were able to bring a אשם תלוי, which can be brought בנדבה. (See

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app

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