



נדרים דף מ"ה

POINTS TO PONDER

1. The Gemara says that the הפקר should be done with 3 people present. If 3 people are always required, how is it permissible for a מדר to be מפקיר his food for example in the case of the משנה (דף מ"ג) where they are walking together and there's no one else with them.
2. The ר"ן writes that the הלכות נדרים in רמב"ם writes that הפקר must be in front of 3 people. Why would the רמב"ם put this in הלכות נדרים? This is a monetary question which belongs in הלכות משפטים.
3. The ר"ן writes that we can't say that when one partner uses the חצר we say that when he bought the חצר originally he bought it קנין הגוף for that moment. What is trying looking to explain with the concept of קנין הגוף? How would that change the situation in our Gemara if he had purchased it with קנין הגוף?
4. The ר"ן discusses a landlord being able to make a נדר against a renter, even if the renter already prepaid the rent. The Gemara writes that the definition of a rental is ממכר meaning a sale for a day (see בבא מציעא דף נו ע"ב). If it's a sale for a day, how can a נדר be חל? It's someone else's property for that day.
5. Further to the above, if when one partner uses the property, it's as if the whole חצר is his, because the property is not divisible than can he make a נדר while he is using it that will be חל on his partner for the future?

לע"נ אבי מורי הרב יעקב בן ר' קיים משה יצחק ז"ל

בן ר' קיים משה יצחק ז"ל
ע"נ הרב צבי ליפא בן יחיאל ישראל זצ"ל

If you have any comments or suggestions, please email Rabbi Grunhaus at Ygrunhaus@gmail.com

לימוד מסכת נדרים מוקדש על ידי משפחת מרמלשטיין
לזכות כל החיילים ולשמירה על עם ישראל