



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Nedarim Daf Mem Gimmel

MISHNA

- If Reuven asks Shimon to lend him his cow, and Shimon responds, that he cannot do so because the cow is not available, and Reuven then responds with a neder that prohibits himself to ever plow his field with Shimon's cow, the Halacha is as follows: If Reuven was a person who would plow his own field, then the neder makes it assur for *him* to ever plow his field with that cow, but others may plow Reuven's field with that cow. If Reuven was someone who never plowed his own field, the neder makes him and all people assur to ever plow Reuven's field with Shimon's cow.
- If Reuven makes a neder prohibiting Shimon from benefit, and Shimon now has nothing to eat, Reuven may tell the local grocer, "I am not allowed to benefit Shimon so I don't know how to help him". The grocer may then provide for Shimon and collect payment from Reuven.
 - Similarly, if Shimon was building a house, or a fence, or working a field and had no money to hire workers to get the job done, Reuven may go to workers and tell them, "I am not allowed to benefit Shimon so I don't know how to help him". The workers may then do the work and collect payment from Reuven.
 - If they were travelling and Shimon had nothing to eat, Reuven can give some of his food to another person as a gift, and that person can then give it to Shimon. If there are no other people, Reuven may take food, put it on a rock or a fence and declare the food hefker. Shimon can then go and take the hefker food. **R' Yose** does not allow this to be done.

GEMARA

- **R' Yochanan** said, the view of **R' Yose** is based on the fact that he holds that hefker is like giving a gift – just like one can retract a gift before it reaches the hand of the recipient, so too one can retract having made something hefker until someone else takes it. If so, it is as if Reuven has given the food directly to Shimon, which is assur.
 - **Q: R' Abba** asked, a Braisa brings the last case of our Mishna with the view of **R' Yose**, and then adds that **R' Yose** only says it is assur if the neder was made before the food was made hefker. However, if the food was made hefker and then the neder was made, it would be mutar. Now, based on **R' Yochanan's** explanation, why should there be a difference whether the neder was made before or after the food is made hefker? **A: R' Abba** answered, when a person makes a neder, he does not have in mind that it should take effect on something that he made hefker. Therefore, if the neder was made after the hefker was declared, the neder never took effect on the food that was made hefker and it may be given to Shimon.
 - **Q: Rava** asked, a Braisa says that when a person lying on his deathbed says that certain possessions should go to Reuven, and then says that all his possessions should go to Shimon, and the sick person then gets better, the gift to the first person is considered to stand, but the gift to Shimon is not effective (since he gave "all his possessions" it shows that he gave it to Shimon in anticipation of death, and since he didn't die the gift is ineffective). Now, from the fact that the gift to Reuven is effective, we see that although he had given to Reuven, when he said to give "all" to Shimon he meant to include whatever he had just given to Reuven as well (because if not, then the gift to Reuven would also have been considered as in anticipation of death, and would therefore be ineffective). We see that he had in mind something that he had previously given away. If so, we

should say that when a person makes a neder after declaring something hefker, he also has in mind to include the hefker item in his neder as well!? **A: Rava** therefore said, the reason that **R' Yose** makes a difference between when the neder was before the hefker or after, is based on a gezeira of the "gift of Beis Choron" (a case later in the Mesechta, which leads us to be concerned that when a gift or hefker is made for a very specific purpose – like in this case to give the food to Shimon – it is not considered to be a true gift or hefker, because the person only has in mind this narrow purpose and may even come to state the actual purpose, which would make the gift or hefker null and void).