



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

Nedarim Daf Hey

- **Q:** A Mishna says, if a person says "I am cheirem to you", the one who made the neder is mutar to benefit from the other person, but the other person is assur to benefit from the one who made the vow. Now, according to **Shmuel** and **R' Yose the son of R' Chanina** both people should be assur to benefit from each other!? **A:** The Mishna is discussing where the one who made the neder specifically added "but you should not become cheirem to me".
- **Q:** The same Mishna says, if a person says "you are cheirem to me", he becomes assur to benefit from the other person but the other person remains mutar to benefit from him. Now, according to **Shmuel** and **R' Yose the son of R' Chanina** both people should be assur to benefit from each other!? **A:** The Mishna is discussing where the one who made the neder specifically added "but I should not become cheirem to you".
 - **Q:** This would mean that if no such statement was added, they would both be assur to each other. However, when the Mishna wants to give an example of a case where they are both assur to each other, it gives the case where the person says "I am cheirem on you and you are cheirem on me". This suggests that when the mirroring statement is not made, even if he doesn't add that there is no cheirem in the one direction, only one of the 2 would be assur to benefit from the other one!? **A:** It must be that **R' Yose the son of R' Chanina** said that if a person says "I am vowed *to* you", both people are assur to benefit from each other. However, if a person says "I am vowed *from* you", the one who made the neder is assur to benefit from the other person, but the other person remains mutar to benefit from the one who made the vow.
 - **Q:** Our Mishna is a case of where someone says "I am vowed *from* you" and we said that **Shmuel** said that if he doesn't say "from what I eat from you" or "taste from you", they both become assur to benefit from each other!? **A:** It must be that what **Shmuel** said is, if a person says "from what I eat from you" or "from what I taste of you", he only becomes assur to *eat* from the other person. However, if he uses one of the phrases like "I am vowed from you", etc., he becomes assur to have *any sort of benefit* from the other person.
 - **Q:** If this is correct, why didn't **Shmuel** clearly state this difference? **A:** It must be that **Shmuel** said, when a person says "from what I eat from you" or "from what I taste of you" he becomes assur with that neder. However, if a person uses one of the phrases such as "I am vowed from you", etc., he does not become assur at all, because they are not clearly phraseologies of a neder: "I am vowed from you" may mean that he will not talk to the other person; "I am separated from you" may mean that he will not do business with him; "I am distanced from you" may mean that he will not stand next to him.
 - **Q:** Maybe we should say that **Shmuel** holds that yados that are inconclusive (not clearly stated, and can be understood in multiple ways) are not valid yados and therefore do not create a neder? **A:** Yes. **Shmuel** will say that our Mishna follows **R' Yehuda** who has that view.
 - **Q:** Why would **Shmuel** interpret the Mishna to follow **R' Yehuda** and not interpret it in a way to follow the **Rabanan** who argue on **R' Yehuda**? **A:** **Rava** said, **Shmuel** felt that since the Mishna says "from what I eat of *yours*" and "from what I taste of *yours*", the Mishna shows that it requires very clear and conclusive yados to create a neder.

- It was taught that **Abaye** says that yados that are inconclusive are considered yados, and **Rava** says that they are not considered yados.
 - **Rava** said, his reasoning is based on **R' Idi**, who said that the pasuk of "nazir l'hazir" teaches that just as nezirus only takes effect when made in a clear, conclusive statement (based on a drasha of the word "yafli"), so too the yados (learned from the pasuk of nazir l'hazir) are also only effective when they are conclusive.
 - **Q:** Maybe we can say that **Abaye and Rava** argue in the same machlokes as the one between **R' Yehuda and the Rabanan** who argue whether a get is effective when it just says "you are mutar to all other people". In that case **R' Yehuda** says that is not effective and the **Rabanan** say that it is. **A:** **Abaye** can say that he can even agree with **R' Yehuda** in the case of get, because a get must be something that clearly separates the couple, and an inconclusive statement does not do so. However, in other circumstances it may be that **R' Yehuda** would agree with **Abaye**. **Rava** would say that he can even hold like the **Rabanan**, because any such language in a get is enough. A person does not divorce someone else's wife and therefore need not state that he is specifically giving this from him to his wife. However, it may be that the **Rabanan** would agree with **Rava** in other circumstances.