



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

### Nedarim Daf Zayin

- **Q:** Is there a concept of yados by tzedaka?
  - **Q:** What would be the case of yados? If it is where a person says "Let this coin be tzedaka, and this one too", that would be a clear statement of tzedaka on the second coin!? **A:** The case must be where he says "let this coin be tzedaka, and that one", without saying "too". If we say yados, this would mean for tzedaka as well. If we don't, this would mean he intends for the second coin to go for payment of some other expense.
  - The question hinges on whether the hekesh of tzedaka to korbon only teaches regarding baal ti'acher, or whether it also teaches that there are yados by tzedaka as well.
- **Q:** Is there a concept of yados by hefker?
  - **Q:** Hefker seems to be the same thing as tzedaka!? **A:** The question is, do we say that even if there are yados by tzedaka that is only because of the hekesh, and the question then is whether hefker essentially is tzedaka and therefore would also have yados? Or do we say that tzedaka is different, because it is given to the poor people, whereas hefker is free to be taken by all people?
- **Q: Ravina** asked, is there the concept of yados regarding the designation of an area as a bathroom?
  - **Q:** What would be the case of yados? If it is where a person says "Let this room be a bathroom, and this one too", that would be a clear statement of designation as a bathroom on the second room!? **A:** The case must be where he says "let this room be a bathroom, and that one", without saying "too". If we say yados, this would mean for a bathroom as well. If we don't, this would mean he intends for the second room to be used for other purposes.
  - **Q:** This would seem to mean that **Ravina** clearly holds that a verbal designation is effective in giving a room the status of a bathroom. However, we find that **Ravina** is actually unsure whether a verbal designation is effective!? **A: Ravina** was unsure. However, he asked further, that if we say a verbal designation is effective, are yados effective as well.
  - With regard to this question, the Gemara remains with a **TEIKU**.

MENUDA ANI LECHA...

- **Abaye** said, although **R' Akiva** held l'chumra in this case, he would agree that a person would not get malkus for violating this neder. We can see this from the fact that the Mishna doesn't say **R' Akiva** was machmir, but rather says that he struggled and came out l'chumra.
- **R' Pappa** said, if a person says "I am detached from you" all would agree (**R' Akiva** and the **Rabanan** who argue on him) that he would be assur through a neder. If a person says "I am excommunicated from you", all would agree that there would be no neder. The machlokes is where he says "I am *menudah* from you". **R' Akiva** says this is similar to saying "detached" and the **Rabanan** say this is similar to saying "excommunicated".
  - We find that **R' Chisda** held that **R' Akiva** even argued in the case of where one used the term of "excommunicated".
- **R' Illa in the name of Rav** said, if a person was put into cheirem while he was there, he may not be freed from cheirem unless he is there. If he was put into cheirem without him being there, he may be freed even without him being there.
- **R' Chanin in the name of Rav** said, if someone hears a person use the Name of Hashem in vain, he must put that person into cheirem. If he does not, he himself should be put into cheirem.

- The mention of the Name of Hashem in vain is so severe, because it brings about poverty, which is the equivalent of death.
- **R' Abba** said that he saw a woman say Hashem's Name in vain in front of **R' Huna**, and **R' Huna** put her into cheirem and immediately freed her. He said we can learn 3 things from here: that a person who says Hashem's Name in vain must be put into cheirem; that one who is put into cheirem in front of him must be freed in front of him as well; and there does not need to be a space of time between the putting into cheirem and the release from cheirem.
- **R' Gidal in the name of Rav** said, a talmid chochom may put himself into cheirem and free himself from cheirem.
  - **Q:** This is obvious (since he put himself in, he can take himself out)!? **A:** We would think that we say a prisoner cannot remove himself from prison.
  - This practice was done by **Mar Zutra Chasida**. When he had to put a talmid in cheirem, he would first put himself in cheirem and then the talmid. When he then went home, he would first release himself from cheirem, and would then release the talmid.
- **R' Gidal in the name of Rav** darshened a pasuk to teach that one may swear to keep a mitzvah. Although we are already under an oath from Har Sinai, we allow people to do this to encourage themselves to fulfill the mitzvah.