



Daf In Review – Weekly Chazarah

Maseches Nedarim, Daf כה – Daf לו

Daf In Review is being sent I'zecher nishmas R' Avrohom Abba ben R' Dov HaKohen, A"H
vI'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

-----Daf כה--25-----

- **Q:** In the previous Gemara **R' Ashi** said that when a person makes a swears, he does so with the normal, accepted meaning of the words that he uses, and not his own understanding of the words. The Gemara now asks, a Braisa says that when we make a person swear for partial admission we tell him that he must swear based on the understanding of Beis Din, and not based on his own understanding. Presumably, this is to prevent him from saying that he gave “coins” to the creditor when he in fact gave him wood chips that he is now giving the name “coins”. We see that typically a person does swear based on his own understanding!? **A:** It may be that a person never swears based on his own meaning. The reason Beis Din has to tell this to them is to prevent a case where the person's oath is technically truthful, but in a very deceptive way. The case would be like a case that happened in front of **Rava**, where the debtor asked the creditor to hold his cane while he held the Sefer Torah to swear upon. The debtor had hollowed out the cane and put the money that was owed to the creditor inside the cane. Therefore, he swore truthfully when he swore that he gave the money to the creditor. The creditor broke the cane out of anger and discovered the money inside. It was then realized what the debtor tried to accomplish. To prevent another case like this from happening, Beis Din tells the swearer to swear based on their understanding, which removes any meaning to such deceitful ways.
 - **Q:** We find that Moshe made the Yidden swear to keep the Torah and he told them that they are swearing based on Hashem's understanding and on his own. He did so, so that people should not say that they when they swore to serve G-d, they meant a god of avodah zarah. It must be that typically an oath may be made based solely on the swearer's understanding!? **A:** Typically an oath based on one's own understanding is not effective. The reason it would be effective by Moshe is because the word “god” is used to refer to avodah zarah. He also couldn't simply have them swear to keep the “mitzvos”, because that can be understood as referring to the commandments of a king. He couldn't have them swear to keep “all the mitzvos”, because that could be thought to refer to the mitzvah of tzitzis, which is considered as equivalent to all the mitzvos. He couldn't have them swear to keep “the Torah”, because that would suggest that there is only one Torah, when in fact we have two (shebiksav and baal peh). He couldn't have them swear to keep “the Toros”, because that can be understood as referring to the Toras Mincha, Toras Chatas, etc. (the laws of the different korbanos). He couldn't have them swear to keep “the Toros and the mitzvos”, because that could be referring to the korbanos and the commandments of the king. He couldn't have them swear to keep “the entire Torah”, because that could be referring to only avodah zarah, which a Braisa teaches is as severe as the entire Torah.
 - **Q:** Why couldn't he have them swear to keep “avodah zarah and the entire Torah” (which then can't simply refer to avodah zarah), or swear to keep “the 613 mitzvos”? **A:** Moshe used an easier way of getting the point across.

IHM LO RA'ISI NACHASH K'KORAS BEIS HABAD

- **Q:** Why is a snake of this size considered to be an exaggeration? We find that in the days of Shvor Malka there was a snake that was much larger than that!? **A:** **Shmuel** said, the Mishna means that he says the snake was ridged like an olive press. That is something that is not reality.
 - **Q:** All snakes are ridged!? **A:** All snakes are ridged on their stomach. This person says the snake was ridged on its back.
 - **Q:** Why didn't the Mishna say that he said it was ridged instead of comparing it to a beam of an olive press? **A:** The Mishna is teaching that such a beam needs to be ridged on its back, and therefore if one was sold without being ridged, it is considered to be a mistaken purchase.

MISHNA

Daf In Review – Weekly Chazarah

- The case of nedarim of shogeg is as follows:
 - If a person makes a neder that something should be assur to him if he had eaten that day, and he had forgotten that he had eaten that day.
 - He makes a neder that something should be assur if he eats that day, and he later forgot and ate something.
 - He makes a neder that his wife may not benefit from him, because she stole his wallet or hit his son, and it turns out that she did neither of those things.
 - If a person saw people eating his figs so he makes the figs assur to the group with a neder, and he then realizes that his father and brother were in that group (and he never would have made his figs assur to them had he known). **B”S** say that the father and brother may eat the figs, but the other people may not. **B”H** say that all the people in the group may eat the figs.

GEMARA

- A Braisa says, just as nedarim of shogeg are not effective nedarim, so too shevuos of shogeg are not effective shevuos.
 - **Q:** What is the case of a shevuah of shogeg? **A:** Like the case of **R’ Kahana and R’ Assi**, who each swore as to what **Rav** had taught regarding a particular topic. They each swore the opposite of the other, because they each believed that they were totally correct.

RA’AH OSAN OCHLIN

- A Mishna says, if a person made a neder making meat or wine assur to him for a year, and then he realized that he must eat meat and drink wine on Shabbos and Yom Tov, initially they said that he may eat the meat and drink the wine on the days of Shabbos of Yom Tov, but not on the other days of the neder. However, **R’ Akiva** then came and taught that a neder that has been nullified in part is nullified in its entirety.

-----Daf 10---26-----

- **Rabbah** said that **B”S and B”H** would agree that if the person who made the neder on the figs said, “had I known my father was in that group of people, I would have said that the entire group is assur except for my father”, that the entire group would be assur from the neder and the father would remain mutar, since there was only one change to his original neder (the addition of the last part). The machlokes would be in a case where the person says, “had I known that my father was in the group, I would have made the neder by saying you and you are assur, but my father should remain mutar” (this changes the original neder in 2 ways). In that case **B”S** say the other people would remain assur and **B”H** say that everyone would be mutar (because a neder that becomes batul in part becomes batul in its entirety). **Rava** said, in this second case all would agree that everybody in the group is mutar. The machlokes is when he says like the first case. In that case **B”S** hold like **R’ Meir** who says that when a person says two things we follow the first expression of the person (and since the first part of his new statement confirms his previous neder, the neder remains, albeit with the father being excluded based on the second part of his statement and this would not make the neder become batul) and **B”H** hold like **R’ Yose**, who says that we follow even the last expression of a person as well (and the neder is considered to become batul with regard to the father, and therefore the entire neder is considered batul based on the partial neder becoming batul).
 - **Q: R’ Pappa** asked **Rava**, a Mishna explains the case in which **R’ Akiva** says that a neder that becomes batul in part becomes batul in its entirety. The Mishna says, (Case 1) if a person says “I make a neder not to benefit from any of you”, if the neder then becomes batul with regard to one of the people it becomes batul with regard to everybody. If the person says “I make a neder not to benefit from this person, and that person, etc.”, then (Case 2) if the neder becomes batul for the first person it becomes batul for all the people. However, (Case 3) if it becomes batul for the last person, it remains in effect for the other people. Now, this Mishna makes sense according to **Rabbah** who says that **B”H** say that we say the principal of batul in part is batul in its entirety only where the maker of the neder says he would have changed the entire neder, because we can say that Cases 1 and 2 are discussing where the maker

Daf In Review – Weekly Chazarah

of the neder said he would have changed his language (and that is why it becomes batul in its entirety), and Case 3 is where he would not have changed his language, and therefore it does not become batul in its entirety. However, according to **Rava**, it makes sense that Case 1 can be said to refer to where he would not have changed his language, but would have simply added to exclude his father, and that is why only according to **R' Akiva** it is batul and the **Rabanan** would argue. However, in Cases 2 and 3 he is changing his language. If so, even the **Rabanan** would agree that the neder is entirely batul, so why does the Mishna say it is only **R' Akiva** who says so!? **A: Rava** said, even according to **Rabbah** this Mishna is problematic, because in Case 3 the ruling is different not because he excluded the “last one”, but rather because he didn’t change his language! Therefore, the Mishna should be explained as follows. Case 1 is referring to where he excluded his father, and therefore the entire neder becomes batul (since it became batul in part). Cases 2 and 3 are dealing with a different case altogether. The case is where a person makes a neder not to benefit from someone, and he then says regarding a second person that “he should be like him (the first person)”, and then regarding a third person he says “he should be like him (the second person)”. In that case, if the first person’s neder becomes batul, all the nedarim become batul (because they are linked to the first one), but if the last person’s neder becomes batul it does not effect the two earlier nedarim.

- **Q: R' Ada bar Ahava** asked **Rava**, a Mishna says, if a person says “I make a neder not to eat onions, because onions are not good for the heart” and then someone tells him that Kufri onions are good for the heart, the Halacha is that the neder becomes batul in regard to Kufri onions, and then becomes batul in its entirety since it became partially batul. We find that **R' Meir** paskened this way in practice. Presumably, the case is where he says, that had he known that the Kufri was good for his heart he would have said that all onions are assur, but the Kufri is mutar. Now according to **Rava**, in that case **B”S and R' Meir** would hold that the neder is *not* batul!? **A:** The case is that he says had he known that Kufri was good for the heart he would have said “this onion is assur, and this one, and this one, etc., but the Kufri is mutar”. In that case everyone would agree that the neder becomes batul.
- **Q: Ravina** asked **Rava**, a Braisa says, **R' Nossan** says we can have a neder that is only partially batul. The case would be where a person made a neder not to benefit from a basket of figs, and then realized that there were some high end figs in there as well, and says had I known that these special figs were there I would not have made this neder. **R' Nossan** says that the other figs would remain assur but the high end ones would be mutar. **R' Akiva** then came and said, a neder that becomes partially batul becomes batul in its entirety. Presumably, the case here is where he said, had I known that the better figs were there I would have said “these figs and these figs are assur, but the better figs are mutar” (he is completely changing his language) and we see that it is only **R' Akiva** who says that the whole neder becomes batul, not like **Rava** said!? **A:** The case is where he says, had I known that there were better figs I would have still said that basket of figs are assur, but I would have added that the better figs should remain mutar. In that case it is only **R' Akiva** who says that the entire neder becomes batul.
- **Q:** Who is the Tanna of the following Braisa? The Braisa says, if one made a neder not to benefit from 5 people, if he became mutar to benefit from one of them he becomes mutar to all of them (i.e. this is a case where he says he would have completely changed the language of the neder had he realized that his father was one of the people). If he says “except for one of them” that person is mutar but the rest remain assur (i.e. this is a case where he would have kept the neder and only added a statement to except his father). **A:** According to **Rabbah** the first part follows **R' Akiva** and the second part follows everybody. According to **Rava**, the second part follows the **Rabanan** and the first part follows everybody.

-----Daf 27-----

MISHNA

- The case of a neder of oneis would be as follows. If a person made a neder making his friend assur to benefit from him unless he comes to eat by him, and the friend doesn’t go to eat by him because he became sick, or his son became sick, or because he couldn’t cross an overflowing river, this is called a neder of oneis and the neder is therefore not effective.

Daf In Review – Weekly Chazarah

GEMARA

- There was a person who said that if he does not return to Beis Din within 30 days, he will waive his rights to a property. He did not show up within the 30 days, because of an oneis. **R' Huna** said, he did not show up and therefore has waived his rights. **Rava** said to him, he was an oneis, and therefore did not waive his rights, because we see in our Mishna that the excuse of oneis is even accepted in monetary matters.
 - **Q:** According to **Rava** why is this case different than the case of where one gives a get to his wife and says it should be effective today if I don't return within 12 months, and he dies within those 12 months, in which case the Halacha is that it is a valid get even though his not showing up was an oneis!? **A:** It may be that that case is different, because had he known that he would die he would have given the get unconditionally immediately (so that she not become subject to yibum).
 - **Q:** Why is this case different than the case of where one said gives his wife a get and says it should be effective today if I don't return within 30 days, and at the end of the 30 days he is prevented from crossing the river to come, because the ferry is not there, and he stands at the other side and yells "I am here, I am here!", in which case **Shmuel** said, it is as if he did not show up!? **A:** It may be that the absence of a ferry is a foreseeable event, and is therefore not considered to be an oneis altogether.
 - **Q:** According to **R' Huna**, why has he waived his rights by not showing up? This is a case of "asmachta" (someone who gives up a right on a condition that he thinks will never happen, and he will therefore never have to give up the right), and **R' Huna** himself holds that one is not koneh in a case of asmachta. Therefore, the rights should not be waived!? **A:** In the case above, he took his rights that were written in a document and deposited them with the court until he returns. That giving of the document makes it more than just an asmachta.
 - **Q:** We learn from **Rav's** explanation of a Mishna that even when the document is deposited with a third party it is still considered to be an asmachta!? **A:** In the case above, he has said that he will waive his rights. Asmachta is not effective to make someone be koneh a property, but waiving of rights is not making a kinyan on a property. Therefore, an asmachta would be enough to have someone waive his rights.
 - The Gemara paskens that an asmachta can be koneh, as long as the person was not prevented from fulfilling the condition based on an oneis, and as long as the kinyan was made in a prestigious Beis Din.

-----Daf ןב-----28-----

MISHNA

- One may make a neder to a murderer (who wants to take his items), or to thieves, or to tax collectors, to show that the items that they want to take are terumah even if they are not terumah, or that they belong to the king even if they do not belong to the king.
- **B"S** say a person may make any neder for this purpose, but may not make a shevuah for this purpose. **B"H** say even a shevuah may be made.
- **B"S** say the neder may only be made if it is demanded from the murderer, etc., and may not be offered without that demand. **B"H** say he may even offer to make the neder without being demanded to do so.
- **B"S** say the neder may only be made with regard to the item demanded by them to be the subject of the vow. **B"H** say that other items may be added as well.
 - This can be illustrated as follows. If the murderer tells the person to make a neder that his wife will be assur to benefit from him if these items are not terumah, and the person thereby makes a neder that his wife and children should be assur to benefit from him if the items are not terumah, **B"S** would say that the neder would not be effective with regard to his wife, but would be effective with regard to his children. **B"H** would say that the neder is not effective for the wife or the children.

GEMARA

Daf In Review – Weekly Chazarah

- **Q: Shmuel** has said that “dina d’malchusa dina” (we must follow the law of the land), so how can we make a neder to avoid the collection of taxes!? **A: R’ Chinina in the name of R’ Kahana in the name of Shmuel** said, the Mishna is discussing a tax collector who has no limit on what he may assess and collect. This type of collection need not be adhered to. **R’ Yanai** said the Mishna is referring to a tax collector who is self-appointed, not with authority of the king.

SHEHEIN SHEL BEIS HAMELECH...

- **Q:** What is the neder that he makes? **A: R’ Amram in the name of Rav** explained, he makes a neder that all the fruit in the world should be assur to him if the items do not belong to the king.
 - **Q:** That would make the fruits assur forever!? **A:** He says “they should be assur today”.
 - **Q:** If he only says “today”, the thief will not accept that as sufficient!? **A:** He says “today” in his heart, but not with his mouth. Although we typically say that the unspoken word has no effect, in a case of onsin like this, it does.

B”S OMRIM BAKOL...

- **Q: R’ Huna** said, a Braisa says, **B”S** say a person may not initiate a shevuah in this case without being demanded to do so by the thief, and **B”H** say he may even initiate making the shevuah. The Braisa suggests that **B”S** would allow him to initiate a neder, however in our Mishna they say that he may not initiate a neder!? Also, the Braisa suggests that he may not initiate a shevuah according to **B”S**, but that he could make one upon demand. However, in our Mishna they say that a shevuah like this may not be made at all!? **A:** Our Mishna talks in terms of neder to teach the extent of the view of **B”S**, and the Braisa talks in terms of a shevuah to teach the extent of the view of **B”H**. Therefore, no inference should be made from the Braisa. **A2: R’ Ashi** said, the Braisa is not discussing initiating a shevuah. It is actually referring to annulment of a shevuah, and teaches that **B”S** hold that a shevuah may never be annulled, whereas **B”H** say that a shevuah may be annulled.

MISHNA

- If a person says, “these trees should be hekdesch if they do not fall down”, or “this talis should be hekdesch if it is not burned”, they must be redeemed (if they do not fall or it is not burned).
- If he says, “these trees should be hekdesch until they fall”, or “this talis should be hekdesch until it is burned”, they are not redeemed.

GEMARA

- **Q:** Why does the first part of the Mishna say that they must be redeemed instead of simply saying “they are hekdesch”? **A:** Since the end of the Mishna needs to say “they are not redeemed”, the first part of the Mishna also talks in terms of redemption.
- **Q:** How is this neder made? **A: Ameimar** said, he says “these trees should be hekdesch if they do not fall today”.
 - **Q:** That should be obvious that they become hekdesch in that case!? **A:** The case is that there is a strong wind blowing that day that he makes the neder. The Mishna teaches that although the neder was made because he thinks the wind will make the trees fall today (and not become hekdesch), if the trees don’t end up falling, they do become hekdesch. The same would be regarding the talis, and the Mishna is discussing where a fire was raging and he made a neder to make it hekdesch if the talis is not burned. We would think that he makes the neder only because he thinks the trees and the talis will not be saved. The Mishna teaches that the neder is effective.

-----Daf 29-----

HAREI NETIOS HA’EILU KORBON...

- **Q:** Why is it that they can never be redeemed from hekdesch? **A: Bar Padda** said, until they fall, even if they are redeemed, they automatically become hekdesch again. Once they fall down, he need only redeem them once and they lose their hekdesch status. **Ulla** said, once they fall they need not be redeemed at all, and they automatically lose their hekdesch status.

Daf In Review – Weekly Chazarah

- **Q: R' Hamnunah** asked, according to **Ulla**, if there is no redemption, where has the kedusha gone? If one were to tell a woman, “Today you are my wife and tomorrow you are not”, can she leave the marriage without a get!? **A: Rava** said, monetary kedusha can leave without an additional action (the redemption), but a physical kedusha cannot (which is why a get would be required).
 - **Q: Abaye** asked, a Braisa says that if a person says regarding an animal “This ox should be an Olah for 30 days and then it should become a Shelamim”, the Halacha is that it is an Olah for 30 days and then becomes a Shelamim. We see that the Olah kedusha (which is a physical kedusha) is removed without any additional action!? **A:** This Braisa is discussing where he made a monetary kedusha on the animal, not a physical kedusha.
 - **Q:** The Braisa there continues and says, if the person said “Let it be an Olah after 30 days, and let it be a Shelamim from now”, the Halacha is that it is a Shelamim for now, and becomes an Olah after 30 days. Now, if both cases are discussing monetary kedusha, why does the Braisa need to state them both? Once we know that the more stringent kedusha of an Olah leaves with no action, we already know that the kedusha of a Shelamim leaves without action as well!? It must be that the Braisa is even discussing physical kedusha as well!? This seems to refute **Bar Padda** who says that the kedusha cannot be removed without an additional action!? **A: R' Pappa** said that **Bar Padda** would say that the Braisa actually means that because he makes it a Shelamim now, the animal will *not* get the kedusha of an Olah in 30 days, since the kedusha of the Shelamim cannot be removed without an additional action. The chiddush of the Braisa is, that if he did not say that it should be a Shelamim from now, the kedusha of the Olah will take effect after 30 days, just as someone can give a woman kiddushin and have it take effect after 30 days.
 - **Q:** It is obvious that he can give it kedusha now to take effect after 30 days!? **A:** The chiddush is, that even if he later retracts the kedusha before the 30 days have come, the retraction is ineffective and the kedusha takes effect.
 - **Q:** That is true according to the shita that the retraction in the case of the woman would be invalid. However, according to the shita that the retraction is valid, that is not what the Braisa can be discussing, so what is the chiddush of the Braisa? **A:** In the case of the animal we are dealing with promising something to hekdesh. The Halacha is, that promising something to hekdesh is the equivalent of actually giving it. That is why a retraction will not work in this case even according to the view that the retraction of the woman would be effective.
- **R' Avin and R' Yitzchak the son of Rebbi** were saying, that according to **Bar Padda** who says that after each redemption the trees again become hekdesh, we can answer the question of **R' Hoshaya**, who asked, if someone gives 2 perutos to a woman and says that the first one should be mekadesh her now, and the second one should be mekadesh her after he divorces her, does that work? According to **R' Padda** we should say that just as one can stipulate that the trees should become automatically kadosh after they are redeemed, so too he can stipulate that the woman can become automatically mekadesh again after her divorce. **R' Yirmiya** told them, that **R' Yochanan** said that the trees only become automatically kadosh again if the person himself is the one who redeemed them. However, if someone else redeemed them they do not become kadosh again, because they have now entered someone else's reshus. The same would be with the woman. Once she is divorced she leaves his reshus into that of her own. As such, she cannot be made to automatically become kadosh again.

-----Daf 30-----

MISHNA

- If a person makes a neder not to benefit from “the ones who go down to the sea” is mutar to benefit from the people who live on the land. If he makes a neder not to benefit from the ones who live on the land, he would even be assur to benefit from the people who go down to the sea (since they all eventually come back onto the land).

Daf In Review – Weekly Chazarah

- Not only those who travel the short distance from Akko to Yafo, rather those who travel long distances by sea.

GEMARA

- **R' Pappa and R' Acha the son of R' Ika** argue as to the meaning of the last statement in the Mishna. One says it was said on the first statement, and is meant to say that although the person becomes assur in those that travel the seas, he only becomes assur to the people who make the long voyages, and not those who do the short trips from Akko to Yafo. The other says that the statement was made on the second statement of the Mishna, and is saying that one who makes a neder not to benefit from those who live on land are assur even from those who travel in the sea, and not only the people who travel the short trip from Akko to Yafo, rather he is even assur on those who make the long voyages since they will eventually come back onto land as well.

MISHNA

- If one makes a neder not to benefit from “those who see the sun”, he is also assur to benefit from blind people, because what he meant was to become assur to people who “the sun sees”, which includes blind people.

GEMARA

- If he meant to exclude blind people he would have made himself assur “from people who see”. The fact that he added “the sun” shows that he meant to exclude fish and fetuses, which the sun “does not see”.

MISHNA

- If one makes a neder not to benefit from “the black headed people”, he is assur to benefit even from bald people and old people. He is mutar to benefit from women and children, because only men are referred to as “dark headed people”.

GEMARA

- **Q:** Why are bald people and people with white hair included in the term “dark headed”? **A:** Since he didn't say “people with hair”, he must have meant to include these people.

UMUTAR B'NASHIM U'BIKTANIM...

- The reason why this term only refers to men is because only men sometimes have their heads covered and sometimes do not. Women always have their heads covered (and would referred to as people with covered heads) and children never have their heads covered (and would referred to as people with uncovered heads).

MISHNA

- If one makes a neder not to benefit from the “yilodim” (which means people who are already born), he may benefit from people who will be born after the neder is made (“noladim”). If he makes a neder not to benefit from the “noladim” he may not even benefit from the people who are already born (“yilodim”). **R' Meir** says he is mutar even to benefit from those who are already born. The **Chachomim** say that the person meant to include all things that are born (this includes people already born and those who will be born).

GEMARA

- **Q:** **R' Meir** seems to say he is mutar to people who were already born and also people who will be born. If so, who does the neder make him assur to? **A:** The Mishna is missing words and should be understood as saying the following. If one makes a neder to make benefit assur from “yilodim” he is mutar to benefit from the “noladim”, and if he makes assur the noladim, he is also assur in the yilodim. **R' Meir** says, just as he remains mutar in the noladim when he makes assur the yilodim, he also remains mutar in the yilodim when he makes assur the noladim.
 - **Q:** **R' Pappa** asked **Abaye**, we see in a pasuk that the word noladim refers to people who were already born!? The Gemara counters with a pasuk where nolad clearly refers to someone who *will be* born!? **A:**

Daf In Review – Weekly Chazarah

The word can mean both. When dealing with nedarim we follow what people commonly use the word to mean, and noladim is meant by people to refer to people who will be born.

VACHACHOMIM OMRIM LO NIKAVEIN ZEH...

- **Q:** What do they come to exclude? **A:** Birds and fish which are hatched from eggs and not “born” live from a mother.

-----Daf אָלֵף-----31-----

MISHNA

- If one makes a neder that he will not benefit from “those who rest on Shabbos”, he is assur to benefit from a Yid or a Kuti.
- If one makes a neder that he will not benefit from “those who eat garlic”, he is assur to benefit from a Yid or a Kuti.
- If one makes a neder that he will not benefit from “those who go up to Yerushalayim”, he is assur to benefit from Yidden, but may benefit from Kutim.

GEMARA

- **Q:** What is meant by “those who rest on Shabbos”? If it means those who keep the laws of Shabbos, he should even be assur to goyim who keep the laws of Shabbos!? **A:** It refers to those who are *commanded* to keep the laws of Shabbos.
 - **Q:** If this is what is meant, why are Kutim not included in “those who go up to Yerushalayim”, since they are also commanded to do so!? **A: Abaye** said, the Mishna refers to people who are commanded *and* practice the laws. Kutim do not practice the law to go up to Yerushalayim, and they are therefore not included in the promise of the person.

MISHNA

- If a person makes a neder that he will not benefit from the descendants of Noach, he is mutar to benefit from a Yid and assur to benefit from a goy.

GEMARA

- **Q:** Yidden also come from Noach!? **A:** Once Avrohom was singled out and made kadosh, Yidden are only known by being the descendants of Avrohom.

MISHNA

- If a person makes a neder that he will not benefit from the descendants of Avrohom, he is mutar to benefit from a goy and assur to benefit from a Yid.

GEMARA

- **Q:** Yishmael (who are goyim) come from Avrohom as well!? **A:** Hashem told Avrohom “ki b’Yitzchok yikarei lecha zara”, and therefore Yishmael is not called a child of Avrohom.
 - **Q:** Eisav (who are goyim) came from Yitzchak!? **A:** The pasuk says “**B’**Yitzchak”, which teaches that only part of Yitzchak are called the children of Avrohom, from which we can learn that Eisav is not.

MISHNA

- If someone makes a neder that he will not benefit from Yidden, he may still do business with Yidden if he buys for more than market price and sells for less than market price.
- If he says that Yidden may not benefit from me, he may do business with them, but he must charge them more than market price and buy from them at less than market price. However, people will not do business with him in this way.

Daf In Review – Weekly Chazarah

- If he says that I will not benefit from Yidden and they will not benefit from me, he must do his business only with goyim.

GEMARA

- **Shmuel** said, if a prospective buyer picks up an items to look at it, and it falls and breaks (with an oneis), the buyer is chayuv to pay. We see that **Shmuel** must hold that the buyer is the one who benefits from a purchase.
 - **Q:** From our Mishna's first case it seems that he would not be allowed to sell at a fair price. Now, if a sale is a benefit to the buyer, why can't this person sell at a fair price (since it is not he who is benefitting)!? **A:** The Mishna is dealing with merchandise in low demand, so selling it is a benefit to the seller as well.
 - **Q:** If that is the case, why does the Mishna say that he must pay over value? Even if he buys at value, we have just said that with such items the benefit of the sale is for the seller!? Also, in the next case of the Mishna the one who made the neder should be able to sell even at market value, because it is the seller who is benefitting, and not the buyer!? **A:** The later part of the Mishna is discussing the sale of items in high demand.
 - **Q:** If that is true, why does the one who made the neder in the second case have to buy at less than value? Even at market value it is the buyer who is benefitting and not the seller!? **A:** Our Mishna is discussing items that are in moderate demand, whereas **Shmuel** is discussing items in high demand.
 - A Braisa is a proof to **Shmuel**. The Braisa says that someone who buys items to give as a gift and tells the seller that he will return them if the gift is not accepted and will pay small fee for having used them to send as a gift, the Halacha is that if the items break on their way to the recipient, the buyer is responsible, and if they break on the return trip the seller is responsible.
 - There was a case with a person who was selling a donkey on consignment, and the donkey was damaged as it was being brought back to the owner. **R' Nachman** said, the salesman was chayuv to pay. **Rava** asked, since it was damaged on the return he should be patur!? **R' Nachman** said, since the salesman would have sold the donkey on the return trip if he would have found a customer, it is not considered to be "on the way back".

MISHNA

- If one makes a neder that he will not benefit from "areilem" (uncircumcised people), he is mutar to benefit from Yidden who are areilem and assur to benefit from goyim even if they are circumcised. If he makes the neder not to benefit from circumcised people, he is assur to benefit from Yidden who are areilim and is mutar to benefit from goyim who are circumcised. This is because the term "arlah" (uncircumcised) is only used in reference to goyim. The Mishna brings 3 pesukim to show this is the case. Based on the first pasuk quoted **R' Elazar ben Azarya** says, we see that the "arlah" is considered to be a disgusting thing.
 - **R' Yishmael** says, milah is great because the Torah uses the word "bris" 13 times when discussing milah.
 - **R' Yose** says, milah is great because it overrides the stringent laws of Shabbos.
 - **R' Yehoshua ben Karcha** says, milah is great because we see that Moshe was at risk of punishment for delaying the milah of his son even a short time.
 - **R' Nechemya** says, milah is great because it overrides the laws of nega'im.
 - **Rebbi** says, milah is great because although he did many mitzvos, Avrohom was not called "complete" until he had a milah done.
 - **Another way** that we see that milah is great is because we darshen a pasuk to teach that if not for the mitzvah of milah Hashem would not have created His world.