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Nedarim Daf 12

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Nossar and Piggul

Rami bar Chama inquired: If someone states, “This is upon me like meat of a *korban shelamim* after it its blood is sprinkled (*on the Altar*),” what is the law?

The *Gemora* asks: If he uses this terminology, he is essentially saying that it is permitted to him (*as everyone is allowed to eat the meat of a shelamim after its blood has been sprinkled on the altar*)!?

Rather, it must be that his question was in a case where a piece of *korban shelamim* was sitting next to a loaf of bread, and he said, “This (*bread*) should be like this (*shelamim*).” Is he referring to the prohibition that the meat originally had before its blood was sprinkled on the Altar, or is he referring to the fact that the meat is now permitted?

Rava said: Let us bring a proof from our *Mishna* which states: If one says, “*nossar*” or “*piggul*,” he is forbidden to eat from his friend’s food. Now, the meat can only become *nossar* (*meat that has been leftover beyond the time that the Torah designated for its consumption*) or *piggul* (*a korban whose avodah was done with the intention that it would be eaten after its designated time*) after the throwing of the blood on the Altar (*and since the Mishna considers these expressions as a valid vow, it must be that the vower is referring to the prohibition that the meat originally had*).

Rav Huna the son of Rabbi Nosson replied to Rava: The *Mishna* is referring to a case where the vower specified the *nossar* of an *olah* (*where the meat is never permitted*).

Rava asked him: If so, the *Mishna* should have said “the meat of an *olah*”? Why did it state a case of *nossar*?

Rav Huna answered him: The *Mishna* is stating the cases in a style of “it’s not necessary.” It would not be necessary to teach a case where the vower specified the meat of an *olah*, for he has certainly linked the object with a *korban* that became prohibited through a vow. The case of *nossar* and *piggul*, however, are necessary to state, for I might have thought that he was linking the object with the prohibition of *nossar* or the prohibition of *piggul*, and then, he would be linking an object with something that is intrinsically forbidden, and the vow would not be effective. The *Mishna* teaches us that this is not the case (*even when he says, “nossar” or “piggul,” he is referring to the korban which has the disqualification of nosaar or piggul*). (11b2 – 12a1)

Yahrtzeit

The *Gemora* attempts to resolve Rami bar Chama’s inquiry from the following *braisa*: How does one make a *neder* through linkage? If he said, “I hereby accept that I will not eat meat or drink wine (*meaning to say that bread and wine are forbidden to him; according to the Ran on 2a, for ths is an example of a neder, where*

the object is forbidden to him, not an oath, where he prohibits himself from the object), as on the day that his father had died” (referring to his own father, and it was common practice to fast on the date of one’s parent’s death), or “as on the day his teacher had died,” or “as on the day Gedalya ben Achikam was murdered” (the third day of tishrei; this happened after the destruction of the First Temple), or “as on the day I saw Yerushalayim in its destruction” (this is a valid vow). And Shmuel commented: This is true only if he had previously made a *neder* on that day prohibiting himself from meat and wine (for then, he is linking his *neder* to something that became prohibited through a vow).

The *Gemora* explains the case: Isn’t the *braisa* referring to a case where he (*the vower*) is standing on a Sunday (*the anniversary*) on which his father died? The *braisa* rules that the vow is valid even though there were many Sundays (*anniversaries*) in between (*the day his father died and the day that he vowed*) that he was permitted to eat meat and drink wine. This would be a proof that the vower is linking his *neder* to the original prohibition (*and not to its present status*).

The *Gemora* deflects the proof by emending Shmuel’s statement. The following is what Shmuel said: The vow is valid only if he had previously made a *neder* on that day and onward prohibiting himself from meat and wine. (12a1 – 12a3)

The Terumah Breads

Ravina attempts to resolve Rami bar Chama’s inquiry from the following *Mishna*: If someone says, “It should be forbidden like Aaron’s *challah*,” or “like Aaron’s *terumah*,” the food is permitted (*because he is linking to something which is intrinsically forbidden*). We can infer from there that if he would have said, “like the

terumah of the breads of a *todah*,” the food would be forbidden to him. Now, the *terumah* of the breads of a *todah* are in existence after the throwing of the blood (*and then, the kohanim are permitted to eat them; the reason that the vow is valid must be because he is linking the food to the original prohibited status of the terumah breads, and not to its present status*).

The *Gemora* deflects the proof by saying that the inference from the *Mishna* will be to a case where he said, “like the *terumah* of the Temple treasury chamber.” In that case, the food would be forbidden because the money is always prohibited for benefit.

Alternatively, the *Gemora* answers that when he says, “like the *terumah* of the breads of a *todah*,” the food would be forbidden to him. However, we are not discussing the *terumah* after the throwing of the blood (*when the terumah would be permitted to the Kohanim*); rather, we are discussing the *terumah* before the throwing of the blood. We are dealing with a case where the *terumah* was separated while it was still dough (*the terumah breads are now prohibited from consumption and they serve as a valid linkage to his neder*).

The *Gemora* proceeds to provide proof that one can separate the *terumah* for the *todah* breads while they are still dough, for Rav Tovi bar Kisna said in the name of Shmuel: If for the loaves of the *todah* offering one baked only four loaves (*instead of forty*), he has discharged his obligation.

The *Gemora* asks: But aren’t forty necessary?

The *Gemora* answers: That is only the correct procedure (*but baking only four is also valid*).

The *Gemora* asks: But one must separate *terumah* from them? [Ordinarily, one loaf is separated from each type (one out of ten); so how can *terumah* be taken here, when each type of bread has only one loaf?] And should you say that a piece is taken from each loaf as *terumah*, but the Torah explicitly said: *one*, indicating that he may not take a loaf which is broken!?

The *Gemora* answers: The *terumah* was separated during the kneading process. [During the kneading of each type, one loaf was separated from ten loaves as *terumah* and the other nine were baked into a single loaf.] The procedure is as follows: He takes one part of the (ten) leaven (doughs), one part of the (ten) matzah-loaf (doughs), one of the (ten) matzah-wafer (doughs), and one of the (ten) scalded-matzah (doughs). (12a3 – 12b2)

Quick Summary

- * What is the case of Rami bar Chama's inquiry?
A piece of *korban shelamim* was sitting next to a loaf of bread, and he said, "This (*bread*) should be like this (*shelamim*)."
- * What are the "two sides" of the inquiry?
Do we look at its original status (*when it was forbidden*) or its present (*permitted*) status?
- * Why is there no proof from the "*nossar*" case of our *Mishna*?
That is referring to *nossar* of a *korban olah* (*which never became permitted*).
- * Explain the case of one who said, "Bread and wine are forbidden to me as on the day that my father

died," that the food will be forbidden, and it will not be a proof to the inquiry.

The vow is valid only if he had previously made a *neder* on the day of the *yahrtzeit* and onward prohibiting himself from meat and wine.

* If the vow valid if he says, "like the *terumah* of the *todah* breads"?

If it is after the throwing of the blood, it would depend on the inquiry; if it is before the throwing of the blood (*he separated the terumah while it was still dough*), the vow will be valid.

INSIGHTS TO THE DAF

The Ra"n Elucidated

LINKAGE - Rami bar Chama inquired: A piece of *korban shelamim* was sitting next to a loaf of bread, and he said, "This (*bread*) should be like this (*shelamim*)."
Is he referring to the prohibition that the meat originally had before its blood was sprinkled on the Altar, or is he referring to the fact that the meat is now permitted? If he is referring to the fact that the meat is now permitted, the *neder* is not effective.

The *Ran* asks: Even if he is referring to the present status of the meat, the *neder* should be valid, for there are prohibitions that still exist in the *shelamim*? One who is *tamei* is prohibited from eating from the *korban*! The "chest and the thigh" are forbidden to any non-Kohen!

He answers: We are only concerned with prohibitions that emerge because of his vow. Any prohibition coming from his vow will be forbidden to everyone because he sanctified this animal. A prohibition that is

limited to a select group of people cannot be on account of his vow, and therefore, such prohibitions may not serve as an association to his present vow.

Positive is not Automatically Implied

Rami bar Chama inquired: If someone states, “This is upon me like meat of a *korban shelamim* after it its blood is sprinkled (*on the Altar*),” what is the law? The *Gemora* asks: If he uses this terminology, he is essentially saying that it is permitted to him (*as everyone is allowed to eat the meat of a shelamim after its blood has been sprinkled on the altar*)! Rather, it must that his question was in a case where a piece of *korban shelamim* was sitting next to a loaf of bread, and he said, “This (*bread*) should be like this (*shelamim*).” Is he referring to the prohibition that the meat originally had before its blood was sprinkled on the Altar, or is he referring to the fact that the meat is now permitted?

Reb Chaim Brisker explains: The inquiry of the *Gemora* is not regarding the vower’s intention (*does he mean to link the object of his vow to the original status of the shelamim or to its present status?*); rather, Rami bar Chama’s uncertainty is in respect to the laws of this association. Does one associate the object of his *neder* with prohibitions that are now present or is the association with the essential state of the *shelamim*, i.e. its previous state, which is the sanctity that brought about its prohibition?

According to Reb Chaim’s explanation, we can answer a challenge to this *Gemora* posed by Reb Shmuel Rozovsky and Reb Naftoli Trop. They ask: Why don’t we apply the principle of “undefined *nedarim* are treated stringently” (*we are strict in regard to its meaning until the vower explains differently*)? They answer that this principle is applicable only when the vower has

declared a valid *neder*, consisting of a legitimate language fit for a *neder*; however, there was uncertainty regarding his true intent. In such cases, we apply this principle and we assume that a person does not express himself for nothing. He probably meant to invoke a *neder*. However, in Rami bar Chama’s inquiry, the question is regarding the explanation of his words; did the vower mean to associate the object of his *neder* with the original prohibition of the *shelamim* or to its present status? If he meant to link the object of his *neder* to the present (*permitted*) status of the *shelamim*, he is not invoking a *neder* at all! When one fails to express his *neder* with his mouth, we cannot rule stringently.

According to Reb Chaim Brisker’s explanation, however, their question does not even begin. For Rami bar Chama’s inquiry has nothing to do with the vower’s intent. Rami bar Chama is inquiring into the mechanics of invoking a *neder* through an association. Is the association to the object’s present status or to its previous condition? The principle of “undefined *nedarim* are treated stringently” does not apply here.

DAILY MASHAL

Not Leaving Food for Tomorrow

We were we especially commanded concerning a *todah* “on the day of its sacrifice it shall be eaten; he shall not leave of it till the morning” (Vayikra 7:15). A person who brings a *todah* because of miracles that occurred to him must become strengthened with trust in Hashem. If he leaves food till tomorrow, that is a sign that he worries lest Hashem won’t provide him with his needs – that is a defect in his sacrifice! (*Meorah shel Torah*, Vayikra, 31).