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Nedarim Daf 42

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Daf Notes is currently being dedicated to the neshamot of

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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

Working Together

The Mishna states: [If one is forbidden by a vow from deriving benefit from his fellow] he should not eat with him (the vower) from the (same) trough that is in front of the workers (since they are working and fed like animals, they eat from a trough and eat a large amount; one who eats only a little is providing benefit to the other, for there are no leftovers – Ra”n), and he should not work with him in the same vineyard (same row – Mefaresh; even two rows – Ritva); these are the words of Rabbi Meir. [When one hoes before the other, he loosens the ground and provides benefit for the one following him, for it now becomes easier for him to hoe.] The Chachamim, however, say: He may work, providing that he is far away from him. (41b4)

The Gemora qualifies the dispute in the Mishna: When it is in a place close to the vower, no one disputes that it is prohibited for him to work there. They argue when he is working in a place that is far from the vower. Rabbi Meir maintains that we decree regarding a far place (that it is prohibited) on account of a close place, and it (the reason it is forbidden) is because he is providing benefit by softening the ground in front of the other, but the Rabbis hold that we do not make such a decree. (41b4)

Shemita

The *Mishna* states: If one is forbidden by a vow from deriving benefit from his fellow prior to *shemita* (when the *halachah* is that produce that grows during that year is regarded as ownerless and anyone can take the produce), he may not enter his field and he may not eat from the fruits which are growing on the branches outside of his field (since the produce was forbidden prior to *shemita*, it remains prohibited). If the *neder* is made during *shemita*, he may not enter his field, but he may eat from the fruits which are growing on the branches outside of his field (because they were ownerless at the time of the *neder* and were therefore never forbidden).

If one is forbidden by a vow from deriving food-related benefit from his fellow prior to *shemita*, he may enter his field, but he may not eat from the produce. If the *neder* is made during *shemita*, he may enter his field and he may eat from the fruits. (42a1)

Even After it Leaves his Ownership

Rav and Shmuel both say: If one says to his fellow, “These possessions should be forbidden to you”; if he vowed prior to *shemita*, he may not enter his field and he may not eat from the fruits which are growing on the branches outside of his field even when *shemita* arrives. But if the *neder* is made during *shemita*, he may not enter his field, but he may eat from the fruits which are growing on the branches outside of his field.

Rabbi Yochanan and Rish Lakish both say: If one says to his fellow, “My possessions should be forbidden to you”; if he vowed prior to *shemitah*, he may not enter his field and he may not eat from the fruits which are growing on the branches outside of his field. However, when *shemitah* arrives, he may not enter his field, but he may eat from the fruits which are growing on the branches outside of his field.

The *Gemora* suggests that Rav and Shmuel maintain that a person has the ability to prohibit something presently in his ownership, and the prohibition will remain even after it leaves his ownership (*and that would explain why the fruits will still be forbidden even during shemitah*). But Rabbi Yochanan and Rish Lakish would hold that a person does not have the ability to prohibit something presently in his ownership for it to remain in effect even after it leaves his ownership.

The *Gemora* asks: Is there anyone that in fact holds that a person does not have the ability to prohibit something presently in his ownership for it to remain in effect even after it leaves his ownership? If so, they should have argued regarding a case where he said, “These possessions should be forbidden to you,” and certainly they would argue in a case where he said, “My possessions should be forbidden to you”? (*Why did they state their halachah in the case of “My possessions etc.,” where the prohibition certainly does not remain in effect after it leaves his ownership?*)

And furthermore, we learned in a *Mishna* below that one in fact has the ability to prohibit something presently in his ownership, and the prohibition will remain even after it leaves his ownership! For the *Mishna* states: One who says to his son, “*Konam* that you cannot benefit from me”; if he dies, his son may

inherit him (*since the possessions do not belong to the father any longer*). If he said in his vow, “while I am alive and even after I die,” he may not inherit him. (*It is evident that a person has the ability to prohibit something presently in his ownership, and the prohibition will remain even after it leaves his ownership!*)

The *Gemora* answers: That *Mishna’s* case is different because the father specifically said that his possessions should be forbidden even after his death.

The *Gemora* asks: But the first question still remains!

The *Gemora* revises its explanation of the argument: If the vower said, “These possessions are forbidden to you,” everyone agrees that the possessions remain forbidden even during *shemitah*. They argue where he said “My possessions are forbidden to you.” Rav and Shmuel maintain that his language doesn’t make a difference, and the possession remain forbidden even after it leaves his ownership. Rabbi Yochanan and Rish Lakish would hold that if he said “These possessions,” they will remain forbidden even after it leaves his ownership. If, however, he said “My possessions,” they will not remain forbidden after it leaves his ownership.

The *Gemora* asks: Is there anyone who holds that his language doesn’t make a difference, and the possessions remain forbidden whether he said “These possessions,” or even if he said “My possessions”? But we have learned in a *Mishna* below differently? For the *Mishna* states: If one says to his fellow, “*Konam* against me entering your house,” or “my buying your field,” if he dies or sells it to someone else, the vower is permitted to go into the house or to buy the field (*since it is not his any longer*). If, however, he said, “*Konam* against me entering this house,” or “my buying this

field," if he dies or sells it to someone else, the vower is prohibited from going into the house or to buy the field. (*It emerges that if someone says, "your house," the prohibition does not remain in effect if it leaves his ownership; so too, the halachah should be if he says, "My possessions"?*)

The Gemora concludes: Rav and Shmuel are discussing a case where he said "My possessions," and Rabbi Yochanan and Rish Lakish are discussing a case where he said "These possessions," and they do not argue with each other. (42a1 – 42b2)

The Mishna had stated: If the *neder* is made during *shemittah*, he may not enter his field etc. (and then the Mishna ruled: but he may eat from the fruits which are growing on the branches outside of his field).

The Gemora asks: What is different that he may eat from the fruits which are growing on the branches outside of his field? It is because those fruits are ownerless. But the same argument can be made for the land, which is rendered ownerless as well (for anyone is allowed to enter to collect the fruits)?

Ulla answers: The Mishna refers to trees that are standing on the borders (of the field; and since they are accessible from the outside, it is prohibited to enter the field).

Rabbi Shimon ben Elyakim said: There is a Rabbinic decree (to enter someone's field which is forbidden to him by a vow), lest one delay (there for a while) while standing (*to pick the fruit*). (42b2)

DAILY MASHAL

Rebbe Elimelech of Lizhensk in his sefer Noam Elimelech says that the Hebrew word for "vow" - "neder", is related to the word "dirah," meaning a dwelling. To make a vow, to "yedor neder", therefore can be interpreted to mean "to create a dwelling place".

It is written that every Jew has a soul which is descended from the source of all Holiness and is intrinsically Godly. To "yedor neder" means to prepare a dwelling place for this Godly soul in the upper worlds.

How is it done? This is hinted at by the idea of renting a dwelling, which is for thirty days. The Sages taught that when a person makes an agreement to rent a house or property for an unspecified amount of time, it is understood to be a thirty day obligation. When a person wants to prepare a dwelling place for his Godly soul, he must prepare himself with Torah learning and repentance for thirty days.

For this reason, states the Noam Elimelech, there is a custom brought from the Sages to fast on the day before Rosh Chodesh. This is the inauguration of the thirty day period of preparation in which he will rededicate himself to the service of God.