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Nedarim Daf 53

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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

Mishna

If a person makes a vow that he will not partake of dates, he can still eat date honey. If he makes a vow not to partake of winter grapes, he may partake of the vinegar made from those grapes. Rabbi Yehudah ben Beseirah says: Whenever a product is called a name that reflects upon its source and a person vows not to partake from that source, he is forbidden to have the product as well. The Chachamim permit this. (53a)

The Opinion of the Chachamim

The Gemora asks: The Chachamim quoted at the end of the Mishna have the same opinion as the Tanna Kamma! [Why do we need to state another similar opinion?]

The Gemora answers: The difference between them is the following Beraisa. The Beraisa states: Rabbi Shimon ben Elazar used to say the following rule. Whatever is normally eaten and its product is normally eaten, like dates and date honey, if he vowed not to benefit from the source he cannot benefit from the product as well. If he vowed not to benefit from the product, he cannot have the source. Whatever is not normally eaten but its product is normally eaten, if he vowed not to benefit from it he can only not benefit from the product (*but he may benefit from the source*). This is because he only meant with his vow not to benefit from the product, not the source. [The Ran explains that our Tanna Kamma disagrees with Rabbi Shimon ben Elazar’s rule entirely, as he holds a person who vowed not to partake of a source

can always partake of the product. The Chachamim refers to the opinion of Rabbi Shimon ben Elazar.] (53a)

Mishna

If a person makes a vow that he will not partake of wine, he may have apple wine. If he makes a vow that he will not partake of oil, he may have sesame oil. If he makes a vow he will not have honey, he may have date honey. If he makes a vow that he will not have vinegar, he may have vinegar made out of bad grapes. If he makes a vow that he will not have type of leek called “krishin,” he may have a type called “kaplutos.” If he made a vow that he will not have vegetables, he can have wild vegetables that grow by themselves in the fields, as “field vegetables” have an added name. (53a)

Partaking of Oil and Vegetables

The Beraisa states: If someone makes a vow not to have oil in Eretz Yisroel, he is permitted to have sesame oil and not olive oil. In Babylon, he may not have sesame oil but he can have olive oil. In a place where both are used, he is forbidden to have both.

The Gemora asks: This is obvious! The Gemora answers: The case is where most people use one kind of oil. One might think that the vow is considered like the usage of most people. This is why the Beraisa tells us that he is

forbidden to both oils, because a doubt regarding a prohibition is judged stringently.

The Beraisa continues: If someone makes a vow not to have vegetables in other years of the Shemita cycle (*not during the Shemita year*), he is forbidden to have garden vegetables, but can have vegetables that grew by themselves. If he made the vow during Shemita, he cannot have wild vegetables but he can have garden vegetables.

Rabbi Avahu says in the name of Rabbi Chanina ben Gamliel: This is only in a place where they do not import from outside of Eretz Yisroel to Eretz Yisroel. However, in a place where they do import he is forbidden.

This is like the following argument among the Tannaim. One should not bring vegetables from outside Eretz Yisroel to Eretz Yisroel. Rabbi Chananyah ben Gamliel says they can be brought. The Gemora asks: What is the reason of the one who says they cannot be brought? Rabbi Yirmiyah answers: This is because of the dirt that is stuck to the vegetables (*that is impure, see Ran*). (53a – 53b)

Mishna

If someone made a vow not to partake of cabbage, he cannot have “asparagus” (*a type of cabbage*). If he vowed not to partake of asparagus, he can have cabbage. If he vowed not to have beans, he cannot partake of “makfeh” (*a cooked dish where beans are often an ingredient*). Rabbi Yosi permits this. If someone vows not to have “makfeh,” he may partake of beans, but he cannot have garlic. Rabbi Yosi permits this. If he vows not to have garlic, he can have “makfeh.” If he vows not to have lentils, he cannot have lentil flour. Rabbi Yosi permits this. If he vows not to have lentil flour, he can have lentils. If he vows not to have any wheat and wheat grains, he cannot have wheat flour or bread. If he vows not to have any bean and beans themselves, he cannot have them

whether they are raw or cooked. Rabbi Yehudah says: If he says “konam” that he will have any bean or wheat, he can chew them raw. (53b)

Wheat and Beans

The Beraisa says: Rabban Shimon ben Gamliel says: If someone vows he will not taste wheat, he cannot bake (*eat baked products of*) wheat, but he can chew wheat. If he vows he will not eat wheat grains, he cannot chew wheat but he can eat baked goods. If he vows he will not eat wheat and wheat grains, he cannot chew wheat grains nor eat the flour. If he vows he will not eat bean, he cannot eat cooked bean dishes but he can chew beans. If he vows not to eat the beans themselves, he cannot chew the beans but he can cook them. If he vows not to have the beans themselves, nor the beans, he cannot eat them cooked or raw. (53b)

WE SHALL RETURN TO YOU,
HANODER MIN HAMEVUSHAL

INSIGHTS TO THE DAF

Winter Vinegar; Date Honey; Milk and Whey

The *Mishna* states: If a person makes a vow that he will not partake of dates, he can still eat date honey. If he makes a vow not to partake of winter grapes, he may partake of the vinegar made from those grapes. Rabbi Yehudah ben Beseirah says: Whenever a product is called a name that reflects upon its source and a person vows not to partake from that source, he is forbidden to have the product as well. The Chachamim permit this.

The Ra”n asks: Who is this first *Tanna*? It is neither Rabbi Yosi nor the *Chachamim*! For we learned above, in the dispute regarding milk and whey, that whenever they called it “whey of milk,” it was forbidden according to

everyone! If so, the date honey and the vinegar should be forbidden!

The Rashba answers: The cases are not similar. For in the case of the whey of milk, its form has not been changed. Even initially, when it was mixed with the milk, it was in that very same form. But here it has changed physically.

Furthermore, in the case of whey, the reason it is called “whey of milk,” is because it still has the law of milk. It is not to distinguish it from some other kind of whey, for there is no other kind. But here, when it is called “date honey” or “winter-grape vinegar,” it is not that they still have those laws; rather, it is to distinguish them between other types of honey and vinegar.

Following the Majority

The Beraisa states: If someone makes a vow not to have oil in Eretz Yisroel, he is permitted to have sesame oil and not olive oil. In Babylon, he may not have sesame oil but he can have olive oil. In a place where both are used, he is forbidden to have both.

The Gemora asks: This is obvious! The Gemora answers: The case is where most people use one kind of oil. One might think that the vow is considered like the usage of most people. This is why the Beraisa tells us that he is forbidden to both oils, because a doubt regarding a prohibition is judged stringently.

The Ra”n explains what we would have thought: Even though there is a minority that makes use of the other kind, there is a possibility that his intention might have been even from those.

The Lechem Mishna asks: Why don’t we follow the majority? Why, in all matters of prohibition, we issue a ruling based upon the majority?

He explains: If it would be a certainty that the vower was referring to the oil used by most people, we would definitely rule that that the vow takes effect only upon that type of oil. However, here he used a language which may include both types of oil, therefore, there is an assumption that he is excluding himself from the majority. We therefore rule stringently and forbid him on both types of oil, since his language can include both.

The Netziv answers that we only follow the majority in cases where the minority is in conflict with the majority. However, here, the minority is not in contradiction with the majority, since he may have intended for both. We therefore rule stringently and forbid him on both types of oil.