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Nedarim Daf 7

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Daf Notes is currently being dedicated to the neshamot of

**Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h**

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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

### ***Yados by Charity***

Rav Pappa inquired: Is there a *yad* (partial declaration) for charity or not?

The *Gemora* explains the case: A man said, “This coin should be designated as charity and this one.” He did not say “and this one, too.” What is the *halachah*? Perhaps he meant that the second one should be used for his expenses, but he did not conclude his statement? (Although, there is good reason to assume that he meant that this second coin should be designated for charity, perhaps there is no *halachah* of *yados* by charity, even if it is a conclusive declaration.)

The *Gemora* explains the inquiry: Do we say that since charity is compared to *korbanos*, the *halachah* of *yados* should be applicable? Or, perhaps, it is only compared regarding the prohibition against delaying, but not in respect to *yados*? (7a1)

### ***Yados by Hefker***

Rav Pappa inquired: Is there a *yad* for *hefker* (a renunciation of ownership allowing anyone to take the object) or not?

The *Gemora* asks: Shouldn’t this inquiry be the same as the one regarding charity (since one renders something *hefker* with the intention that the poor people will come and get it)?

The *Gemora* responds: This inquiry is based upon the inquiry regarding charity and it is in the style of “If you will conclude and say.” The *Gemora* explains: If you will conclude that there are *yados* by charity, for there is no *hekesh* (juxtaposition) in half (and we derive the laws of charity from that of offerings), do we say that *hefker* is the same as charity (and *yados* apply there as well); or, perhaps, charity is different (than *hefker*), because charity is only given to the poor, while *hefker* is left for the poor and the rich.

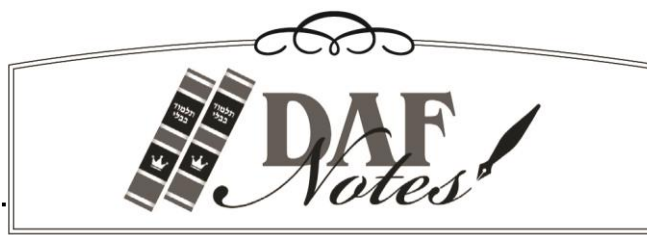
These inquiries remain unresolved. (7a1 – 7a2)

### ***Yados by a Lavatory***

Ravina inquires: Are there *yados* in respect to the designation of a lavatory or not? (The Rabbis decreed that one cannot recite *kerias shema* in a place that was designated as a lavatory.)

The *Gemora* asks: What are the circumstances of the case? If he said, “This place should be designated as a lavatory and this one as well,” then certainly that one (the second one) should also be regarded as a lavatory!?

Rather, the case is where a man said, “This place should be designated as a lavatory and this one.” He did not say “and this one, too.” What is the meaning of that which he said, “and this one too”? Did he mean that



this one should be regarded as a lavatory as well, or perhaps he meant that the second one should be used for other uses?

The *Gemora* notes: It is evident from Ravina's inquiry that he maintains that a designated lavatory is effective (*when there is a full declaration, and it would have the laws of a lavatory even though it was not used yet*).

The *Gemora* asks: But didn't Ravina ask this very question elsewhere? For Ravina inquired: What is the *halachah* with a place that was designated as a lavatory? What is the *halachah* with a place designated as a bathhouse? Does his designation effect a new status, or does it not?

The *Gemora* answers: He is actually inquiring about one within the other. The *Gemora* explains: Firstly, he inquired if there is effectiveness for a designated lavatory. If you will conclude that it is regarded as unholy, what is the *halachah* if he designated a lavatory by means of a partial declaration? Are there *yados* or not? The *Gemora* leaves this inquiry unresolved. (7a2)

### **Menudeh**

The *Mishna* had stated: If one said, "I am *menudah* (*excommunicated or removed*) from you," Rabbi Akiva was inclined to be stringent (*and rule that the vow takes effect*).

Abaye said: Rabbi Akiva admits that he will not receive lashes if he violates this vow, for if he would be liable to lashes, the *Mishna* should have said: Rabbi Akiva rules strictly.

Rav Pappa says: There is no argument if he says, "I am detached from you." All would agree that he is

prohibited from deriving pleasure from his friend. They would also agree if he says, "I am excommunicated from you" that he is permitted (for it is not a valid vow). The argument is only in the following case: He said, "I am *menudeh* to you." Rabbi Akiva maintains that "*menudeh*" means detachment, and therefore the vow takes effect. The Rabbis say that it means excommunication, and therefore, the vow is not valid.

Rav Chisda disagrees (*with Rav Papa*) and holds that the argument is even in a case where he said, "I am excommunicated from you." (*Rabbi Akiva would hold that it is a valid vow since people are required to distance themselves from someone who has been excommunicated.*) For there was a certain man who said, "I am excommunicated regarding the possessions of the son of Rav Yirmiyah bar Abba." He went before Rav Chisda, and Rav Chisda said: There is nobody who is concerned with Rabbi Akiva's opinion (and therefore, it is not an effective vow). Evidently (from Rav Chisda's ruling) he held that they (R' Akiva and the Rabbis) argued about the case where he said, "I am excommunicated from you." (7a3 – 7b1)

### **Excommunication**

Rabbi Ila said in the name of Rav: If they excommunicated a person in his presence, they may not revoke it except in his presence (*for otherwise, it might appear that they are being lax in these halachos, for they are now treating him as a regular person*). If he was not present when they excommunicated him, it can be revoked both in his presence and in his absence.

Rav Chanin said in the name of Rav: One who hears his fellow utter Hashem's name in vain is obligated to excommunicate him; otherwise, he himself is fit to be excommunicated.



The *Gemora* explains the rationale behind this: For wherever the unnecessary utterance of the Divine Name is prevalent, poverty will be prevalent, and poverty is regarded as death, as the verse says: *for all of the people (who have sought you out) have died.* [Who were these people? This refers to Dasan and Aviram. Weren't they still alive? It must be that they became poor and insignificant (*and therefore were no longer a threat to Moshe Rabbeinu*).] (*Thus we see the severity of Hashem's Name being mentioned in vain.*) And it has been taught in a braisa: Wherever the Sages set their eyes on someone, there is either death or poverty.

Rabbi Abba said: I was standing in the presence of Rav Huna, when he heard a certain woman utter Hashem's name in vain. He excommunicated her, but immediately revoked it in her presence. The *Gemora* comments: This proves three things: Firstly, we can learn that one who hears his fellow utter Hashem's name in vain is obligated to excommunicate him; secondly, we can learn that if they excommunicated a person in his presence, they may not revoke it except in his presence; and thirdly, we can learn that no time is needed to elapse between the imposition and the revoking of the excommunication.

Rav Gidel said in the name of Rav: A Torah scholar may excommunicate himself and afterwards, he may revoke it himself.

The *Gemora* asks: Is this (that a person is able to lift a ban that he imposed on himself) not obvious?

The *Gemora* answers: I might have thought that "a prisoner cannot free himself from jail" (*and therefore,*

*he should not be allowed to lift the ban himself*); the *Gemora* teaches us that this is not the case.

The *Gemora* clarifies the case: It may be as in the case of Mar Zutra Chasida. When a disciple of his incurred excommunication, Mar Zutra first excommunicated himself and then the disciple. On arriving home, he lifted the ban from himself and then from the disciple. (7b)

#### Quick Summary

\* What is the *halachah* if a man said, "This coin should be designated as charity and this one too."?

He is required to give both coins to charity.

\* What is the *halachah* if a man said, "This coin should be designated as charity and this one."?

The *Gemora* does not resolve this.

\* What is the rationale behind the inquiry?

Is charity compared to *korbanos* in all respects?

\* Are there *yados* by *hefker*?

The *Gemora* does not resolve this.

\* Regarding what other issue does the *Gemora* inquire about in respect to *yados*?

Designating a lavatory.

\* If one designated a certain structure to be a lavatory, can *kerias shema* be recited there?



The *Gemora* does not resolve this.

\* In what case do Rabbi Akiva and the *Chachamim* argue?

According to Rav Pappa: If he says, "I am *menudeh* to you." According to Rav Chisda: If he says, "I am excommunicated from you."

\* Can an excommunication be lifted when he is not present?

It depends whether he was present when he was put into excommunication.

\* What should be done if you hear someone uttering Hashem's Name in vain?

Excommunicate him; and if you don't, you should be excommunicated.

\* Can a torah scholar lift an excommunication that he imposed on himself?

Yes.

## INSIGHTS TO THE DAF

### *The Ra"n Elucidated*

**Rulings** – The *Gemora* left several issues unresolved. The Ran rules that regarding *kiddushin*, since it is an uncertainty relevant to a Biblical law, we must rule stringently and there would be *yados*. The Ramban and the Rashba rule similarly regarding charity and in respect to *pe'ah*. This is based upon the principle that we rule stringently regarding all matters of doubt which

are relevant to a Biblical prohibition. The Ran disagrees with their ruling regarding charity and *pe'ah* because these are monetary matters; the question of the *Gemora* was if the money or produce designated belongs to the poor people, and therefore, we should rule leniently. The money must remain by the original owner unless there is a proof that he relinquished his rights to it. He also rules that there are no *yados* by *hefker* because it is a money matter, and hence we rule leniently. His final ruling is that there is no *yados* by a designation for a lavatory. He explains that the designation would only be effective on a Rabbinical level, and on all doubts that are relevant to a Rabbinical prohibition, the principle is that we rule leniently.

## DAILY MASHAL

### *Yitzchak's Blessing*

Rav Chanin said in the name of Rav: One who hears his fellow utter Hashem's name in vain is obligated to excommunicate him; otherwise, he himself is fit to be excommunicated. The *Gemora* explains the rationale behind this: For wherever the unnecessary utterance of the Divine Name is prevalent, poverty will be prevalent, and poverty is regarded as death. (*Thus we see the severity of Hashem's Name being mentioned in vain.*)

Using this *Gemora*, Reb Shlomo Kluger explains the following verse [Breishis 27:23]: *And he did not recognize him because his hands were hairy like the hands of his brother Esav, and he blessed him.*

What caused Yitzchak to bless him? What is the connection between the observation that his hands were hairy like Esav and the blessing?

He explains: Wherever the unnecessary utterance of the Divine Name is prevalent, poverty will be prevalent. Up until this moment, Esav did not regularly utter the Name of Hashem. Therefore, Yitzchak had no need to be concerned about Esav becoming poor. However, now that he heard “his hairy son” using the Name of Hashem, he decided that it was time to bless him.

### **Yosef's Success**

It is written [Breishis 39:3]: *And his master saw that the Lord was with him, and whatever he (Yosef) did, the Lord made prosper in his hand.* Rashi comments: The name of Heaven was frequently in his mouth.

The Sheiris Yaakov explains Rashi: The *Gemora* states: Rav Chanin said in the name of Rav: One who hears his fellow utter Hashem's name in vain is obligated to excommunicate him; otherwise, he himself is fit to be excommunicated. The *Gemora* explains the rationale behind this: For wherever the unnecessary utterance of the Divine Name is prevalent, poverty will be prevalent, and poverty is regarded as death. (*Thus we see the severity of Hashem's Name being mentioned in vain.*)

Since Yosef commonly used Hashem's Name, he should not have been successful; nevertheless, his master saw that Hashem was with him and made Yosef successful.

### **Four People are Considered as Dead**

The *braisa* (in Avodah Zarah 5a) states: There are four types of people who are considered dead. They are a poor person, a blind person, a *metzora*, and one who has no children. A poor person is like dead, as the verse says: *for all of the people (who have sought you out) have died.* Who were these people? This refers to Dasan and Aviram. Weren't they still alive? It must be

that they became poor and insignificant (*and therefore were no longer a threat to Moshe Rabbeinu*). A blind person is considered dead, as the verse says: *you have put me in darkness like the dead of the world.* A *metzora* is considered dead, as the verse says: *She (Miriam) should not be considered dead.* One who does not have children is considered dead, as the verse says: *Give me children, and if not I am considered dead.*

Reb Chaim Shmulevitz explains that the common denominator among these four is that they do not feel someone else's pain and that they cannot provide benefit for others.

A poor person is considered as dead not because he is lacking himself, but rather, it is because he cannot give to others.

A blind person cannot see others and therefore, he is unable to perceive their pain or suffering. He cannot join in his tribulation.

A *metzora* is banished from the camp and therefore, he is unable to offer assistance to others.

One who does not have children to nurture is lacking the ability to provide benefit to those that are dear and close to him. It is a natural instinct for a person to desire to give whatever he has to his children.

Only a life where one can share with others is worth living.