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Interpreting Shmuel’s Statement

The *Gemora* explains Shmuel differently (*than on 4b*): Shmuel says: In all cases where one is vowing that he is separating himself from his friend, if he also says, “in that which I will eat from you,” or “in that which I will eat from you,” he would be prohibited from deriving pleasure from his friend, but his friend will be permitted to derive pleasure from him (*this is derived from the fact that the Mishna said, “he is forbidden” only once*). However, if he only said, “I am vowed from you,” or “I am separated from you,” or “I am distanced from you,” they both would be forbidden to derive pleasure from each other. For Rabbi Yosi the son of Rabbi Chanina says: If he says, “I am vowed from you,” they both would be forbidden to derive pleasure from each other. (*The explanation for this is as follows: Since when he says, “from you,” he is obviously referring to his friend and his friend’s possessions; so too, when he says, “I,” he is referring to himself and his possessions. Since there are no prohibitions on his possessions, he must be prohibiting his possessions on his friend.*)

The *Gemora* questions this opinion from the following *Mishna*: If one said, “I a *cheirem* to you,” the person to whom the vow was referring to is forbidden to derive pleasure from the vower. It may be inferred from here that the vower is permitted to derive pleasure from the other fellow (*this would be in contrast to the opinion cited above*)?

The *Gemora* answers: The *Mishna* is referring to a case where he explicitly said, “But you are not *cheirem* towards me.”

The *Gemora* asks from the same *Mishna*: If one said, “You are *cheirem* towards me,” the vower is forbidden to derive pleasure from the person to whom the vow was referring. It may be inferred from here that only the vower is prohibited to derive pleasure from the other fellow, but the other fellow is permitted to derive pleasure from him?

The *Gemora* answers: The *Mishna* is referring to a case where he explicitly said, “But I am not *cheirem* towards you.”

The *Gemora* challenges this explanation: We can infer from the *Mishna* that if he would not have explicitly stated this exception, they would both be forbidden to derive pleasure from each other. However, the *Mishna* states later: that if one said, “I am *cheirem* towards you and you are *cheirem* towards me,” they are both forbidden to derive pleasure from each other. The inference would be that only then are they both forbidden, but if he did not specify, then, he would be forbidden and his friend would be permitted?

Rather, the *Gemora* says, this is what Rabbi Yosi the son of Rabbi Chanina means: If one says, “I am vowed to you,” they are both forbidden to derive pleasure from each other. If, however, he says, “I am vowed from you,” he would be prohibited from deriving pleasure from his

friend, but his friend will be permitted to derive pleasure from him.

The *Gemora* questions this explanation from our *Mishna* which stated the case where one said, "I am vowed from you," and Shmuel interpreted the *Mishna* to be referring to a case where he also said, "in that which I will eat from you," or "in that which I will eat from you," he would be prohibited from deriving pleasure from his friend, but his friend will be permitted to derive pleasure from him. It may be inferred that if he would have only said, "I am vowed from you," they would both be forbidden to derive pleasure from each other. (*It is evident that Shmuel does not make a distinction between a case where he said, "to you," and one where he said, "from you."*)

The *Gemora* concludes that the following is the explanation behind Shmuel's statement: Since the vower said, "in that which I will eat from you," or "in that which I will eat from you," he is forbidden. However, if he only said, "I am vowed from you," there is no prohibition whatsoever. What is the rationale for this? If he says, "I am vowed from you," perhaps he only meant that he does not want to talk with him. If he says, "I am separated from you," perhaps he meant that he does not want to conduct business with him. If he says, "I am distanced from you," perhaps he meant that he does not want to stand within four *amos* of him. (*These expressions are all regarded as an inconclusive yad since it is far from evident what his intention was; therefore, the vow is totally ineffective.*) (4b – 5a)

Inconclusive Partial Declaration

The *Gemora* notes: It would seem that Shmuel maintains that a partial declaration which is inconclusive (*in respect to its meaning*) is ineffective (*and is not a valid yad*).

The *Gemora* says: Yes! Shmuel holds that our *Mishna* follows the opinion of Rabbi Yehudah who maintains that

a partial declaration which is inconclusive (*in respect to its meaning*) is ineffective (*and is not a valid yad*). For we learned in a *Mishna*: The essential part of a *get* (*bill of divorce*) is, "Behold, you art permitted to any man." Rabbi Yehudah said (*the following phrase must be included in a get*): "And this document shall be to you from me as a deed of dismissal, and a document of release, and a letter of abandonment." (*Rabbi Yehudah maintains that it must be written into the document that the husband is divorcing his wife with this get; otherwise, we might think that he is verbally divorcing her. It emerges that Rabbi Yehudah holds that an inconclusive expression is not valid.*) (5b)

Abaye and Rava

The *Gemora* states: Regarding inconclusive partial declarations, Abaye says: They are regarded as a *yad*. Rava says: They are not regarded as a valid *yad*.

Rava derives his opinion from a Scriptural source which indicates that to be regarded as a *yad*, the expression must be a clear one.

The *Gemora* asks: It would seem that Abaye and Rava are arguing in the same dispute as Rabbi Yehudah and the *Chachamim* (*regarding a get, mentioned above*).

The *Gemora* answers: Abaye could say: I can hold even according to Rabbi Yehudah. For Rabbi Yehudah only said that you need a conclusive expression in order to be regarded as a *yad* only in respect to a *get* which requires a complete severance (*between the man and his wife*), but in other cases (*such as a vow*), it is not necessary for the partial declaration to be conclusive. Rava will say: I can follow the opinion of the *Chachamim*. For they said that a partial declaration which is not conclusive will be sufficient only by a *get*, for there it is evident to us that this is his document; how can it not be? A man does not divorce his friend's wife! However, in other cases (*such as*



a vow), a partial declaration will only be regarded as a *yad* if it is conclusive. (5b – 6a)

Quick Summary

* According to the second interpretation of Shmuel, what is the *halacha* if one declares, “in that which I will eat from you”?

He is prohibited to derive pleasure from his fellow, but his fellow is permitted from him.

* According to the second interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed from you”?

They both are forbidden.

* According to the second interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed from you in that which I will eat from you”?

He is forbidden and his fellow is permitted.

* According to the third interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed from you in that which I will eat from you”?

He is forbidden and his fellow is permitted.

* According to the third interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed towards you in that which I will eat from you”?

He is forbidden and his fellow is permitted.

* According to the third interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed from you”?

He is forbidden and his fellow is permitted.

* According to the third interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed towards you”?

They are both forbidden.

* According to the final interpretation of Shmuel, what is the *halacha* if one declares, “I am vowed from you”?

He is permitted to derive benefit from his fellow (*and there are two opinions if he is prohibited to converse with him*).

* Why?

It is a partial declaration that is inconclusive.

* What is the *halacha* in respect to a partial declaration that is inconclusive?

It is a matter of dispute between Abaye and Rava.

* What has to be written in a *get*?

It is a matter of dispute between Rabbi Yehudah and the *Chachamim*.

* Are Abaye and Rava arguing in the very same dispute?

No.

INSIGHTS TO THE DAF

The Ra"n Elucidated

Inconclusive Partial Declarations - The *Gemora* concluded that the following is the explanation behind Shmuel's statement: Since the vower said, "in that which I will eat from you," or "in that which I will eat from you," he is forbidden. However, if he only said, "I am vowed from you," there is no prohibition whatsoever. What is the rationale for this? If he says, "I am vowed from you," perhaps he only meant that he does not want to talk with him. If he says, "I am separated from you," perhaps he meant that he does not want to conduct business with him. If he says, "I am distanced from you," perhaps he meant that he does not want to stand within four *amos* of him. *(These expressions are all regarded as an inconclusive yad since it is far from evident what his intention was; therefore, the vow is totally ineffective.)*

The Ran explains that since his declaration can be understood in two different fashions, the vow does not effect at all. A vow can only be valid when its meaning is clear. Therefore, he is not prohibited to derive pleasure from his fellow, nor is he forbidden to talk with him.

The Ran cites an alternative explanation in the *Gemora*. One who declares, "I am vowed from you," is prohibited from conversing with his fellow. One who states, "I am separated from you," is prohibited from engaging in business with his fellow. One who vows, "I am distanced from you," is prohibited from standing within four *amos* of him.

The explanation is that in respect to these prohibitions, his partial declarations are considered conclusive. When the *Gemora* states that this is an example of a partial declaration that is inconclusive, it is referring to the vow in respect to deriving benefit from his fellow; however; in respect to these other prohibitions, it is regarded as

conclusive. The declaration of "I am vowed from you" clearly means that he does not wish to converse with his fellow.

(The Rosh challenges this explanation, for how could the Gemora prove from here that an inconclusive partial declaration is not regarded as a yad? We could say that the reason there is no prohibition in respect to deriving benefit is because his expression is clearly indicative that he does not mean that; he does mean, "I will not converse with you," and for that reason, he is prohibited from talking with him.)

His possessions, but not himself

Reb Akiva Eiger writes that it would seem from the language of the Ran that when one declares, "I am vowed to you," he is only prohibiting himself from deriving benefit from his fellow's possessions, but he would be permitted to derive benefit from the fellow himself. Reb Akiva Eiger wonders as to why this should be the case. Shouldn't everything be included? *(Sefer Beis Arazim says that the Ran could be understood to mean that all benefits are forbidden. As a matter of fact, the Ran in Kesuvos states explicitly that all pleasures are forbidden, even if it does not involve the fellow's possessions.)*

Shalmei Nedarim answers that the expression, "to you" connotes "from something that belongs to you." The possessions of a person belong to him; his body does not. This is why the vower would be permitted to derive benefit from the fellow, provided that he is not benefiting from his possessions.