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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

Mishnah

The *Mishnah* states: If one makes a *neder* prohibiting himself from vegetables, he is permitted in gourds (*since they are regarded as fruits of the ground*). Rabbi Akiva prohibits it. They said to Rabbi Akiva: Does not a man say to his agent, “Buy for me vegetables,” and he says, “I only found gourds”? (*This indicates that gourds are not regarded as vegetables, for otherwise, he would have purchased them.*) He said to them: This is indeed so, or does he say to him, “I only found legumes”? Rather, (*he says that because*) gourds are included in vegetables, and legumes are not included in vegetables. And he is forbidden fresh Egyptian beans, but he is permitted in the dry ones. (54a1)

Vegetables and Gourds

The *Gemora* asks on Rabbi Akiva’s opinion: But he only made a *neder* prohibiting himself from vegetables (*why is he prohibited in gourds, which are fruits; and even though Rabbi Akiva gave a reason that a messenger consults his sender about them, that reason is not sufficient for him, since his neder was from vegetables and not gourds*)?

Ulla answers: The *Mishnah* is referring to a case where he said, “The vegetables of a pot are forbidden to me.” (*It is because of the extra words “of a pot” that he is forbidden in gourds.*)

The *Gemora* asks: Perhaps the vower intends to prohibit only vegetables that provide flavor to a pot?

The *Gemora* answers: The *Mishnah* is referring to a case where he said, “The vegetables that are cooked in a pot are forbidden to me.”

The Ra”n Elucidated

[*The Ra”n states that the halacha follows Rabbi Akiva. Therefore, one who made a neder prohibiting himself from vegetables will not be forbidden in gourds, or any fruits of the ground. If he said, “The vegetables of a pot are forbidden to me,” he will be forbidden to eat those vegetables that provide flavor to the pot, such as garlic and onions. If he says, “The vegetables that are cooked in a pot are forbidden to me,” he will be forbidden to all fruits of the ground about which a messenger would consult if the sender had told him to purchase vegetables.*]

The *Gemora* explains the dispute between the Rabbis and Rabbi Akiva. The Rabbis maintain that any item about which the messenger must consult with the sender (*prior to purchasing*) is not regarded as being that item’s type (*and since the messenger would not buy gourds unless he asked the sender, they rule that gourds are not included in a neder of “vegetables”*). Rabbi Akiva, however, holds that any item about which the messenger must consult with the sender (*prior to purchasing*) is regarded as being that item’s type (*and since the messenger would ask the sender about buying gourds, he rules that gourds are included in a neder of “vegetables”*).

Abaye said: Rabbi Akiva would agree that (*if the vower would eat gourds*) he does not incur lashes (*since they are only forbidden based upon a doubt as to his meaning*). (54a1 – 54a2)

The Deviating Agent

The *Gemora* cites a *Mishnah*: If an agent carried out his commission (*according to the instructions of the house owner*), the house owner is guilty of *me'ilah* (*one who has unintentionally benefited from hekdesch or removed it from the ownership of the Beis Hamikdosh has committed the transgression of me'ilah, and as a penalty, he would be required to pay the value of the object plus an additional fifth of the value; he also brings a korban asham*). If, however, he did not carry out his commission, he himself is guilty of *me'ilah*.

According to which *Tanna* does this agree? Rav Chisda said: The *Mishnah* does not agree with Rabbi Akiva. For we learned in that *Mishnah*: What is the case to which we refer? If he said to him, "Give the guests meat," and he gave them liver; or he said, "Give them liver," and he gave them meat, the agent is guilty of *me'ilah*. But if this follows Rabbi Akiva's opinion, did he not say that any item about which the messenger must consult with the sender (*prior to purchasing*) is regarded as being that item's type? Accordingly, the house owner, and not the agent, should be liable for committing *me'ilah* (*for the agent would normally ask him regarding liver*)?

Abaye answers: The *Mishnah* can be following Rabbi Akiva's opinion, for wouldn't he agree that the messenger must first consult with the sender prior to purchasing a different product?

The Ra"n Elucidated

[*The Ra"n explains that with respect to the agent being guilty of me'ilah, since he was required to consult and he*

didn't, he was certainly doing it of his own initiative. And the house owner, too, was relying upon his not giving them liver as long as he was not asked. The agent, therefore, did not carry out his assignment. However, with respect to nedarim, since it is included in the meaning of his statement, since an agent would consult about it, what was the one who made the neder relying on? Rather, he certainly forbade himself all of them.]

This discussion was said over in front of Rava, and he said to them: Nachmeini (*since, as an orphan, Abaye was raised by Rabbah bar Nachmeini*) has spoken well. (54a2 – 54b1)

Meat, Fowl and Fish

The *Gemora* asks: Who is the *Tanna* that disagrees with Rabbi Akiva?

The *Gemora* answers: It is Rabban Shimon ben Gamliel. For we learned in a *Baraisa*: One who makes a *neder* to abstain from meat, is forbidden to eat every type of meat. He is also forbidden to eat the head, feet, trachea, liver and heart. He is also prohibited to eat fowl. (*This would be in accordance with Rabbi Akiva, for a messenger would consult with the sender regarding purchasing these items.*) However, he is permitted to eat fish and locusts. Rabban Shimon ben Gamliel said: One who makes a *neder* to abstain from meat, is forbidden to eat every type of meat, but he is permitted to eat the head, feet, trachea, liver and heart. He is also permitted to eat fowl, and it is unnecessary to mention that fish and locusts would also be permitted.

And so Rabban Shimon ben Gamliel used to say: The intestines are not regarded as meat, and he who eats them is not a human being. This means that he who buys them instead of meat (*when they are at the same price*) is not regarded as a regular human being.

The *Gemora* asks: Why does the *Tanna Kamma* distinguish between fowl and fish? The reason why fowl is prohibited is because fowl is an item which the messenger will consult with the sender (*prior to purchasing*), and is therefore regarded as meat. Doesn't the same logic apply by fish, as well?

Abaye answers: The *Baraisa* is referring to a case where the vower let blood prior to making his *neder*, where he would not have eaten fish anyway (*since it would be harmful for a person to eat fish after bloodletting; it was therefore not included in his neder*).

The *Gemora* asks: If so, fowl should be permitted as well, for one does not eat fowl after bloodletting? This may be proven from Shmuel's statement: One who let blood of his shoulders and then eats fowl, his heart will flutter like a bird. We also learned in a *Baraisa*: One should not undergo bloodletting prior to eating fish, fowl or salty meat. Another *Baraisa* states: One who lets blood should not eat milk, cheese, eggs, cress, fowl or salty meat.

The *Gemora* answers: Fowl is different, for one can eat it if it is boiled (*and therefore, fowl is included in his neder*).

Abaye suggests an alternative answer: The *Baraisa* is referring to a case where the vower's eyes are hurting him, where he would not have eaten fish anyway (*since it would be painful for his eyes; it was therefore not included in his neder*).

The *Gemora* asks: Then let him eat fish, for Shmuel said: 'Nun,' 'Samech,' 'Ayin' [read]: fish is a remedy for the eyes.

The *Gemora* answers: Fish is beneficial for the eyes only at the end of the sickness; however, initially, eating fish would be detrimental for one with an eye illness. (54b1 – 54b2)

DAILY MASHAL

Fowl and Meat

Rabban Shimon ben Gamliel said: If one makes a *neder* prohibiting himself from meat, he is permitted in fowl. It is evident that he maintains that fowl is not included in meat.

The Chasam Sofer asks: How can he hold that fowl is not included in "meat," when it is seemingly clear from the Torah that it is? The Jews in the Desert complained that they desired meat and the Ribbono shel Olom sent fowl to them. Evidently, fowl is a type of meat!

He answers that the *Gemora* explains that fowl is not included in "meat" because it is not healthy to eat fowl on a day of blood letting. Since in the Desert, the northern wind did not blow, and that is the reason why there was no circumcision then (*the wind is needed to heal the child*). Accordingly, there was no blood letting in the desert, as well. It emerges that there would be no distinction between fowl and meat in the Desert and fowl would be included in "meat."

[We use the sefer "The Commentary of Rabbenu Nissim on Nedarim" from Rabbi Nathan Bushwick extensively to assist us in preparing the "Elucidation of the Ra"n." The sefer, written in English is available for sale by writing to: Rabbi Nathan Bushwick 901 Madison Ave. Scranton, Pa 18510-1019. The cost is \$25.00.]