



Vegetables and Gourds

The seventh *perek* opens with a debate regarding one who makes a *neder* against *yerek* (vegetables) and whether they are permitted to eat gourds. The *Chachamim* permit him, while *R' Akiva* disagrees. The *Chachamim* reason that a person sent to purchase vegetables would double check with the sender if all that were available were gourds. The need for confirmation suggests that gourds were not included in the term vegetables at that time. *R' Akiva* counters this reasoning arguing that the fact that the messenger had to even check implies that gourds might be included in the term vegetables. If, all that was available was meat for example, the messenger would have no doubt and would not need to check. The doubt in the messenger mind, according to *R' Akiva*, is enough to prohibit the gourds in this case of *nedarim*.

The *Gemara* asks that gourds are never referred to by the term *yerek* (rather *pri adama*), so why would *R' Akiva* prohibit them? *Ulla* explains that the *neder* was against *yarkei kedaira* (pot vegetables). Unsatisfied the *Gemara* suggests that such terminology might only include, e.g. onion and garlic that are added for flavour. The *Gemara* then explains that the *neder* was for *yerek hamitbasha be'kedaira* (vegetables cooked in pots). *Rashi* explains that since gourds are also cooked in pots, the extra terms might include gourds.

The *Gemara* continues with *Abaye* explaining that according to *R' Akiva*, if the person then ate a gourd he would not be liable to lashes.

The *Tosfot Yom Tov* notes that there appears to be a contradiction in the *Rambam's* rulings. In the *Rambam's* commentary to the *Mishnah* he states that the *halacha* follows the opinion of the *Chachamim*; in other words, gourds would be permitted. In the *Mishnah Torah* (*Nedarim* 9:6) however, the *Rambam* rules that any item that a *shaliach* would need to confirm with his sender whether it is included in his instruction is included in a *neder*. The example is if one made a *neder* against *basar*, since a *shaliach* would be uncertain whether fish is included in *basar*, fish would be included in the *neder*.¹ This reasoning appears to be in line with the opinion of *R' Akiva* in our *Mishnah*.

Later (10) the *Rambam* does rule that if one makes a *neder* against *yerek*, he is permitted to eat gourds, which appears to be consistent with the opinion of the *Chachamim*. The *Kesef Mishnah* however explains that the *Rambam* does indeed rule like *R' Akiva*, yet as the *Gemara* explained *R' Akiva* would agree if the *neder* was from *yerek*; recall that the debate was regarding *yerek hamitbasha be'kedaira*. Therefore we appear to have a contradiction between what the *Rambam* rules in his commentary in the *Mishnah* that the *halacha* is like the *Chachamim* and what he rules in the *Mishnah Torah*, that the *halacha* is like *R' Akiva*.

The *Chatam Sofer* (*Nedarim* 54a) notes that the *Rambam* omits *Abaye's* ruling that one is not liable for lashes if he eat gourds in our case. With this in mind, the *Chatam Sofer* suggest that the *Rambam* had a different reading of our *Gemara*. Instead of it saying "*amar Abaye*" (said *Abaye*) the *Rambam* had "*Abaye amar*". This small alteration means that at that point *Abaye* was not adding an additional point, but arguing with the first explanation. *Abaye* argued that there is no difference whether the *neder* was from "*yerek*", "*yarkei kedaira*" or "*yerek hamitbasha be'kedaira*". He instead answers the initial question of the *Gemara*, that *yerek* never refers to gourds, differently. *R' Akiva* in general maintains that anything that a *shaliach* would need to confirm about is included in the *neder* on a biblical level and punishable with lashes. Consequently, even though *yerek* would never be associated with gourds, since a *shaliach* would nonetheless double check, *R' Akiva* is stringent in this specific case to prohibit gourds on a rabbinic level.

The *Chatam Sofer* notes that there are therefore two debates between the *Chachamim* and *R' Akiva*. The first is the general debate regarding items that *shaliach* would confirm about and whether they are included in a *neder* on a biblical level. In this debate, the *halacha* is like *R' Akiva* as the *Rambam* rules in the *Mishnah Torah*. The second debate is more specific and is regarding our case. As already mentioned, in the case *R' Akiva* holds that the gourds or only rabbinically prohibited while the *Chachamim* permit them. In this case the *Rambam* rules like the *Chachamim* as explained in his commentary and as ruled in the *Mishnah Torah* (9:10) regarding one who is make a *neder* against *yerek*.

Revision Questions

נדרים ו' ב' א' ה'

- What *neder* would cover anything that is cooked in a pot? (ו' ב')
- What *neder* only includes pickled vegetables? (ג' ו')
- What is implied by the term “*ha’shaluk*”? (ג' ו')
- What is not included by the term “*dag dagim*”? (ד' ו')
- What is debated as being included by the term “*chalav*”? (ה' ו')
- If someone made a *neder* against gaining benefit from a particular piece of meat, when are other foods that are cooked with that meat also forbidden? (ו' ו')
- If someone makes a *neder* against grapes, can he drink wine? (ז' ו')
- According to *R’ Yehuda* why is date honey included in a *neder* forbidding dates? (ח' ו')
- Why is sesame oil not included in a *neder* forbidding oil? (ט' ו')
- What do the following terms used in a *neder* refer to: (י' ו')
 - *Chitah*?
 - *Chitin*?
- Which product is debated whether it is included in the term *yerek* and explain the debate? (יא' ו')
- According to the *Chachamim* what is included in the term *dagan*? Which term does *R’ Meir* maintain refers to those things? (יב' ו')
- If someone makes a *neder* against wearing woollen garments, what woollen product is not included in the *neder*? (יג' ו')
- In response to the previous question, what principle does *R’ Yehuda* raise? (יד' ו')
- Which part of the house is debated between *R’ Meir* and the *Chachamim* as being included in the term “*bayit*” in a *neder*? (טו' ו')
- Explain what the *ibur* and *techum* of a city are and are they included in a *neder* forbidding one from entering a city. (טז' ו')
- If one makes a *neder* from entering a house, where is the border from which he is forbidden to cross? (טז' ו')

Local Shiurim

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
 Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Beit Ha’Roeh
 Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
 Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
 In US dial: 718 906 6400
 Then select: 1 – 2 – 4

Next Week’s Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 th September ז' תשרי	24 th September ח' תשרי	25 th September ט' תשרי	26 th September י' תשרי	27 th September יא' תשרי	28 th September יב' תשרי	29 th September יג' תשרי
Nedarim 7:6-7	Nedarim 7:8-9	Nedarim 8:1-2	Nedarim 8:3-4	Nedarim 8:5-6	Nedarim 8:7-9:1	Nedarim 9:2-3

