



Planted Nedarim

The *Mishnah* (7:6) teaches that if one makes a *neder* prohibiting produce, then not only is the produce itself prohibited but also if they are exchanged or planted. In other words, if they are exchanged for an item, then that item becomes prohibited as well. The *Bartenura* explains that once an object because *assur be'hanah*, then the *Chachamim* applied it to its value as well. The *Mishnah* also explains that if the produce is planted, then that which grows from those seeds (*gidulin*) is also prohibited.¹

The *Tosfot Yom Tov* cites the *Raavad* who asks why the *gidulin* should be prohibited. There are two contributing facts that allowed the seed to grow, the seed itself which is indeed prohibited and the ground which is permitted. Consequently, since both prohibited and permitted factors combine in production it should be permitted – *ze ve'ze gorem*.²

The *Kesef Mishnah* answers that this case is different. Something prohibited by a *neder* is defined as a *davar she'yesh lo matirin* – a prohibition that has a means of being permitted. This is because, as we have learnt, one can go to a *Chacham* to *matir* (undo) a *neder*. Normal laws of *bitul* (nullification) do not apply to a *davar she'yesh lo matirin* since there is a way of permitting the prohibition without needing to rely on *bitul*. Consequently, in our case as well, since it is a *davar she'yesh lo matirin*, *ze ve'ze gorem* does not help to permit the *gidulin*.

The *Tosfot Yom Tov* however notes that *tevel* (untithed produce) is also defined as a *davar she'yesh lo matirin*. Nevertheless, we find that if *tevel* is planted, the *gidulin* are permitted. The case of planted *tevel* appears to contradict the *Kesef Mishnah's* explanation.

The *Tosfot Yom Tov* answers that a majority of *tevel* (once tithed) is *chulin* (regular produce). Consequently, given that the stringencies applied to *davar she'yesh lo matirin* are rabbinic, they did not rule stringently in the case of *tevel*.

The *Bartenura* however explains the *gidulin* are prohibited much like *gidulei hekdes*. We have discussed previously that when one makes a *neder*, they make the object prohibited in a similar manner that *hekdes* (property consecrated to the *Beit HaMikdash*) become prohibited. It appears that the *Bartenura* reasons that just like *gidulei hekdes* are prohibited, the world of *nedarim* also adopts that law.³

Common to the answers thus far is that *nedarim* is an exception to the principle of *ze ve'ze gorem*. The *Tosfot* however help us understand *ze ve'ze gorem* in general. They explain that the law only applies when the contributors are of the same type and have the same effect. For example, when both permitted and prohibited sourdough combined to cause dough to rise. In this case the seed and ground act differently. Consequently, this case cannot be defined as *ze ve'ze gorem*.⁴

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¹ The law is the same whether or not the seeds disintegrate (e.g. wheat) or that which is planted remains (e.g. onions). The distinction between types of seeds is only important when one makes a *neder* not to eat specific produce as explained towards the end of the *Mishnah*.

² We have looked at the issue of *ze ve'ze gorem* previously in the context of *orlah*. See Volume 13, Issue 44.

³ This is also one of the answer presented by the *Tifferet Yisrael*.

⁴ See Volume 13, Issue 44 where this answer is probed in more detail.

Revision Questions

נדרים ו' – ח' – ד'

- What do the following terms used in a *neder* refer to: (ו': י')

 - *Chitah*?
 - *Chitin*?

- Which product is debated whether it is included in the term *yerek* and explain the debate? (ז': א')
- According to the *Chachamim* what is included in the term *dagan*? Which term does *R' Meir* maintain refers to those things? (ז': ב')
- If someone makes a *neder* against wearing woolen garments, what woolen product is not included in the *neder*? (ז': ג')
- In response to the previous question, what principle does *R' Yehuda* raise? (ז': ג')
- Which part of the house is debated between *R' Meir* and the *Chachamim* as being included in the term "*bayit*" in a *neder*? (ז': ד')
- Explain what the *ibur* and *techum* of a city are and are they included in a *neder* forbidding one from entering a city? (ז': ה')
- If one makes a *neder* from entering a house, where is the border from which he is forbidden to cross? (ז': ה')
- With what wording of a *neder* forbidding a fruit, would one also be prohibited from the money as a result of its sale or future trees that grow from the seeds of the fruit? (ז': ו')
- Give another example that shares the same law as the previous question? (ז': ו')
- What is the difference between the following two *nedarim*: (ז': ח')

"שאת עושה איני אוכל עד הפסח"
"שאת עושה עד הפסח איני אוכל"

- What is the law regarding the following *neder* after *pesach*: (ז': ט')

"שאת נהנית לי עד הפסח אם תלכי לבית אביך עד החג"

- When does a *neder* end if it is made for: (ז': א')

 - A day?
 - This day?
 - A week?
 - This week?
 - A month?
 - This month?

- With what wording of a *neder* is the end of the *neder* the beginning of *Pesach*? Is the end of *Pesach*? (ז': ח')
- When does a *neder* end if it is made to apply until the summer? (ז': ח')
- Complete the following principle: (ז': ח')

"כל _____ ואמר עד שיגיע אסור עד שיגיע אמר עד שיהא אסור עד שיצא"
"כל _____ בין אמר עד שיהא בין אמר עד שיגיע אינו אסור אל עד _____"

- What is the indication

 - that summer has began?
 - that summer has ended?
 - of the beginning of the harvest season? (ז': ח')

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Melbourne, Australia

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
24 June י"א תמוז	25 June י"ב תמוז	26 June י"ג תמוז	27 June י"ד תמוז	28 June ט"ו תמוז	29 June ט"ז תמוז	30 June י"ז תמוז
Nedarim 8:5-6	Nedarim 8:7-9:1	Nedarim 9:2-3	Nedarim 9:4-5	Nedarim 9:6-7	Nedarim 9:8-9	Nedarim 9:10-10:1

