

15.1.3

4b (האומר לחברו) → 6a (הקדש קאמר)

Note: our *ד' מוכיחה* discusses *שייך שאינן מוכיחות* and the possibility of their validity. A *ד' מוכיחה* is best translated as an "unambiguous" *ד'*, where the abbreviated expression, understood in context, clearly points to a single, unequivocal object, person etc. a *ד' שאינה מוכיחה* will then be an ambiguous *ד'*, where the application, person etc. intended is not inherently clear from the statement but may be understood by context or by querying the person formulating the *הפלאה*.

1. איש כי ידר נדר לה' או השבע שבעה לאסור אסור על נפשו לא יחל דברו ככל היצא מפיו יעשה: במדבר ל:ג.

הריני עליך חרם המודר אסור הרי את עלי חרם הנודר אסור הריני עליך ואת עלי שניהם אסורין נדרים ה:ד.

- I שמואל's interpretation of the 2nd clause of the משנה – מופרשני ממך, מודרני ממך, מופרשני ממך –
- a שאני אוכל, שאני טועם – e.g. מודרני etc. is only valid if followed by a specified restriction –
 - i challenge: ברייתא (unlike משנה) lists both groupings, each followed by it's own "אסור"
 - 1 answer: the 2nd half presumes the 1st half
 - 2 challenge: another ברייתא presents both groups – in opposite order
 - 3 answer: 1st half presumes 2nd half (!) rejected
 - ii rather: שמואל means to say that the restriction is only uni-directional if modified with *לך* שאני אוכל, else it is bi-directional as per חנינא
 - 1 Challenge: משנה ה:ד (above)
 - iii rather: שמואל means to say that without defining the איסור as אכילה (e.g.) it applies to all הנאה
 - 1 Challenge: let שמואל simply phrase it that way – without defining verb, all forms of benefit are אסור
 - iv Rather: שמואל means that without defining verb, there is no איסור, as each term could be understood socially (distance, separation etc. could refer to business, proximity, social intercourse etc.)
 - v Reason: שמואל is bothered by extra word *לך* in each formula (e.g. שאני אוכל *לך*) and understands that our משנה must be authored by יהודה ר' who maintains that שאין מוכיחות *ד' יידיים* are not valid דיות
 - II Dispute regarding validity of שאין מוכיחות *ד' יידיים* –
 - a אבוי: valid
 - b רבא: invalid
 - i source: v. 1 – just as regular נזירות needs a full and clear expression (הפלאה), similarly, the *ד'* requires it
 - ii suggestion: dispute mirrors dispute between רבנן/יהודה re: explicitness of *גט* (does the *גט* have to "point to itself" as the agent of divorce? – יהודה ר' affirms, רבנן don't require)
 - 1 rejection:
 - (a) אבוי; opinion even valid for יהודה ר', who only requires such explicitness in re: *גט* due to the demand of clear and complete excision
 - (b) רבא: opinion even valid for רבנן, since he couldn't be divorcing anyone else (i.e. the *ד'* is self-defining and creates its own explicitness)
 - 2 challenge (to אבוי): ברייתא that rules if A points to a loaf, e.g. and says הרי הוא עלי קרבן, it is prohibited – implying that without the defining עלי it wouldn't be valid
 - (a) defense: without עלי the implication might be צדקה or הפקר
 - (i) challenge: ברייתא explains that הוא is a phrase related to קרבן
 - (b) rather: without עלי, we might consider everyone prohibited to that loaf, since he might mean הקדש rather than נדר איסור