

## Nedarim 30a

We can answer תפשוט  
this that Rav Oshiya asked דבעי רב הושעיא  
if a person gave two perutos to a woman שתי פרוטות לאשה  
and he said to her ואמר לה  
“With one באחת  
be married to me today התקדשי לי היום  
and with one ובאחת  
be married to me לי התקדשי  
after I divorce you לאחר שאגרושיך  
also here נמיסו  
it should be דהוה  
a (valid) kiddushin קידושין

Bar Padda told us that if a person says that these trees should be hekdesh until they are cut down, even if the person will then redeem them (i.e., he redeems them before they are cut down), after the pidyon the trees will automatically become hekdesh again. This is because it is understood from the person’s statement that he wants to the trees to be hekdesh until they are cut. Therefore, even after they are redeemed, the person’s original declaration of hekdesh will have the ability to make the trees hekdesh another time.

If so, this should be the same with regard to the question of Rav Oshiya. Rav Oshiya asked the following fascinating question. What happens if a person gives a woman two perutos (a perutah is the minimal amount of money that needs to be given to woman in order to get married to her)? He tells her that one of these should be for now, and one should be for after he divorces her. Can that second perutah work to affect a marriage at that later time?

Reb Avin and Rav Yitzchok Berabi said that seemingly this question is the same as Bar Padda’s halacha. The same way a person can make an object hekdesh for after a time that the object becomes hekdesh and then becomes not hekdesh (by being redeemed), so too with regard to kiddushin. The person should be able to make an act of kiddushin for a time after the woman is married and becomes ‘unmarried’ (by getting divorced).

**The Difference Between When the Owner Redeems the Object and When Others Redeem it (with regard to an object automatically becoming hekdesh after it is redeemed)**

The Gemara continues:

R' Yirmiyah awoke איתער בהו רבי ירמיה  
(and) he said to them אמר להו

why are you comparing מאי קא מדמיטון  
(a case in which) he redeemed it פדאן הוא  
(to a case) in which it was redeemed לפדאום  
by others אחרים  
(But) like this is what R' Yochanan said הכי אמר רבי יוחנן  
(if) he redeemed it פדאן  
it goes back הוא חוזרת  
and becomes hekdesh (again) וקדושות  
(but if) others redeem it פדאום אחרים  
it does not go back אין חוזרת  
and become hekdesh (for another time) וקדושות  
And a woman (getting married) ואשה  
is similar to a case of others redeeming דמיא אחרים  
(And) it was learned like this as well איתמר נמי  
R' Ami said אמר רבי אמי  
that R' Yochanan said אמר רבי יוחנן  
we did not learn (that it becomes hekdesh again) לא שנו  
only when he redeems it אלא שפדאן הוא  
but if others redeem it אבל פדאום אחרים  
it does not go back אין חוזרת  
and become hekdesh (again) וקדושות

The Gemara now tells us that with regard to an object automatically becoming hekdesh after it was redeemed, it depends on who redeems it. If the person who originally made the proclamation to make it hekdesh is the one who redeems it, then the object will automatically become hekdesh again. However, if other people redeem it, then the object will not become hekdesh.

The Ran explains the difference as follows. In the case in which the person himself redeems the object, the reason the original hekdesh can still work is because the object never went out of the reshus of this person or of hekdesh. That is, since the object returns to this person’s reshus, his original declaration that was made when the object was in his reshus can still take effect.

However, when others redeem the object, since at that point the object has left the original person’s reshus, the original declaration can no longer work. And since this is true, even if the person will then go back and buy the object from these people, the object will not then become hekdesh, as once his original declaration loses its ‘power’ to make the object hekdesh, it can no longer make the object hekdesh at a later point.

And with regard to marrying a woman, this is true as well. That once the woman goes back to her own reshus, the man’s original act of kiddushin can no longer take place, and therefore

once he divorces her, his original act of marriage is batul (invalid).<sup>12 13</sup>

## משנה

### Defining a Sea Traversers and Land Dwellers (with regard to nedarim)

One who makes a neder הנודר  
from 'sea-travelers' מיורדי הים

he is mutur מותר

to (benefit) from 'land dwellers' ביושבי היבשה

(But if he makes a neder) from 'land dwellers' מיושבי היבשה

he is assur אסור

(even) from 'sea-travelers' מיורדי הים

שיורדי הים

are included בכלל

in (the category) of 'land-dwellers' יושבי היבשה

Even those who typically travel at sea are included in the category of those who dwell on the land, as eventually they do come ashore.

The Mishna continues and says that when it comes to defining those who are considered as 'sea-travelers':

It is not like those לא כאלו

who go from Akko to Yaffa שהולכים מעכו לַיָּפוֹ

rather (this refers to) אלא

one whose way is to go out (far into the sea) במי שְׁדָרְכוֹ לְפָרֶט

When it comes to defining someone as a 'sea-traveler', it is not enough for the person to go by boat from Akko to Yaffa (a short distance), rather a 'sea-traveler' is defined as someone who normally goes out far into the sea.

## גמרא

### Understanding the Halacha of the Sayfa (that those who travel from Akko to Yaffa are not considered 'sea-travelers')

The Mishna mentions that those who only travel great distances are to be considered as 'sea-travelers', but those who just go from Akko to Yaffa are not considered as 'sea-travelers'. The Gemara will now bring a machlokes between Rav Puppa and Rav Acha the son of Rav Ika with regard to this halacha.

Rav Puppa רב פפא

#### <sup>12</sup> Understanding the Comparison Between Kiddushin and When Others Redeem the Hekdesh (the woman's non-action in the marriage process)

The Gemara tells us that the case of kiddushin is similar to the case of others who redeem the hekdesh and that is why the man's act of kiddushin will not work for the time after he divorces her.

However, the Ran asks that seemingly the comparison should be to the case in which he redeems it. That is, the Ran understands that the reason when he redeems it, it becomes hekdesh again is because in this case the object never left his reshus or hekdesh's reshus. And if so, since he made it hekdesh and it then went back to his reshus, the object will once again become hekdesh. But if so, this should be the exact same case as the man marrying the woman. When the man marries the woman, she leaves her own reshus and goes into his. And when he divorces her, she goes back to her reshus. In other words, she never goes to a different reshus, and if so, why can the original act of marriage not work again? That is, the same way with regard to making the object hekdesh, we say that it works because the object never left either his reshus or hekdesh's reshus, so too with regard to the woman, we should say that she can be married for a second time as she never left either her reshus or his reshus.

The Ran answers that if we would understand that when a woman gets married, she is the one who does the act of getting married, then we would have the above question. However, as the Ran proves, this is not the case, the woman plays no 'active' role in the marriage process. What the woman does is to allow the man to marry her, i.e., it is as if she makes herself hefker (ownerless) and once she does that, the man can come and marry her, and if so, we understand the Gemara's comparison very well.

When the man married her, she was in his reshus, i.e., the only one involved in the act of acquiring her through marriage was him. If so, when he married her, she was in his reshus, but after he divorced her, she went to her reshus, i.e., she went to a reshus that she was not in before, and therefore, since she went to a different reshus, this case comparable to the case of hekdesh in which other people redeem the object. That just like in that case we say that once the object left his and hekdesh's reshus, the original declaration is batul, so too with regard to this woman. Once she leaves his reshus and goes into her reshus, the original act of kiddushin is batul.

#### <sup>13</sup> According to the Gemara's Final Answer, Do We Have an Answer to the Question with Regard to One Who Attempts to Marry His Wife After He Divorces Her?

The Ran continues and says that although the Gemara now compares the case of kiddushin to the case in which others redeem the object, this does not mean that this is an absolute comparison. That is, if the Gemara thought that it was an absolute comparison, then we would have an answer to the question. The Gemara said that when others redeem the object, the object does not become hekdesh again. Therefore, if the case of kiddushin is compared to the case of others redeeming it, then the kiddushin would not be able to be chal again.

But the Ran says that this is not the case. All the Gemara meant to say was that it is not completely comparable to a case in which he redeems it, and therefore we cannot say we have a proof that the marriage is chal after they get divorced.

Although we are saying that kiddushin is not comparable to the case in which he redeems it, the Ran explains that it is not totally comparable to the case in which others redeem her as well. In the case of kiddushin, although she is not the one making the actual act of kiddushin, she does play a role as she allows the man to marry her. Therefore, when she goes back to her own reshus, this is not totally comparable to a case in which others redeemed the object, because in that case the object went to the reshus of someone who had no connection to the original declaration of kedusha at all. But in the case of kiddushin, we can't say that the original act of kiddushin has to be batul as she is now in a reshus of a person that had no connection to the kiddushin (as she had a part in the kiddushin).

Therefore, since the case of kiddushin is not completely comparable to a case in which the person redeems the object, and it is not completely comparable to a case in which others redeemed it, we are left with our question if the kiddushin works or not.

and Rav Acha **וְרַב אַחָא**  
the son of Rav Ika **בְּרִיהַ דְּרַב אִיקָא**  
one learned it on the raysha **חַד מִתְּנֵי אַרְיִשָּׁא**  
and one learned it on the sayfa **וְחַד מִתְּנֵי אֲסִיפָא**

The Mishna said that those who travel from Akko to Yaffa are not considered as 'sea-travelers', and with regard to this halacha Rav Puppa and Rav Acha the son of Rav Ika had a machlokes. One said that the halacha was said in reference to the raysha and one of them said that it was said with reference to the sayfa (and the Gemara does not know which one said which shita).

The Gemara now explains each one of these shitos.

The one **מֵאֵן**  
who learned it on the raysha **דְּתֵנִי אַרְיִשָּׁא**  
learned it this way **מִתְּנֵי הָכִי**  
one who makes a neder **הַנּוֹדֵר**  
from 'sea-travelers' **מִיּוֹרְדֵי הַיָּם**  
is mutur in 'land-dwellers' **מוֹתֵר בְּיוֹשְׁבֵי יִבְשָׁה**  
but with regard to 'sea-travelers' **הָאֵל בְּיּוֹרְדֵי הַיָּם**  
he is assur **אֲסוּר**  
(and on this the Mishna said) but not **וְלֹא**  
like these **כְּאַלּוּ**

## Nedarim 30b

that go from Akko to Yaffa **ההולכים מעכו לִיפו**  
for they **דהלין**  
are as 'land-dwellers' **יושבי היבשה ניהו**  
rather (it means) from one **אלא ממי**  
that it way is to 'go far out' **שְׂדֵרְכֵן לְפָרֵשׁ**

According to this shita, the point of the last halacha of the Mishna is to be maykil and to say that even if a person will make a neder against those who travel in the sea, this will not include those who just go from Akko to Yaffa, as these people are considered as 'land-dwellers' (since they don't travel that far into the sea).

The Gemara now explains the second shita of how to explain the last halacha of the Mishna.

And the one who learns it **ומאן דמתניי**  
on the sayfa **אסיפא**  
learns it like this **מתניי הכי**  
one who makes a neder **הנודר**  
from those who dwell on the land **מיושבי יבשה**  
is (even) assur **אסור**  
from those who travel on the sea **ביורדי הים**  
and not just those **ולא באלו**  
that go **ההולכים**  
from Akko to Yaffa alone **מעכו לִיפו בלבד**  
rather **אלא**  
(he is assur) even **אפילו**  
from one **במי**  
whose way is to go far out **שְׂדֵרְכוּ לְפָרֵשׁ**  
since **הואיל**  
his end (i.e., he will eventually come) **וסופו**  
to land (and) get off **ליבשה סליק**

According to this shita, the point of the Mishna is to say that even if the person only made a neder with regard to those who are considered as 'land-dwellers', he will be assur to those who travel at sea as well. And the last halacha of the Mishna comes to tell us that this does not just refer to those who make the short trip from Akko to Yaffa, but rather even those who travel out far out into the sea can be considered as 'land-dwellers'. And this is true because even they will eventually come to land and get off their ships.

The Ran points out that this shita disagrees with the kula of the first shita. That is, according to this shita, if a person will

make a neder with regard to 'sea-travelers', this would include even those who just travel from Akko to Yaffa.

### משנה

**Making a Neder Not to Benefit from All those Creatures that See the Sun/The Sun Sees**

One who makes neder **הנודר**  
from those that see the sun **מרואי החמה**  
he is assur **אסור**  
even with regard to blind people **אף בסומין**  
for he did not have intent **שלא נתכוון זה**  
only **אלא**  
with regard to those **למי**  
that the sun sees them **שֶׁהחמה רואה אותן**

### גמרא

The Mishna told us that when a person makes a neder not to benefit from any creature that the sun sees, the intent of the person is to say that he will not benefit from any creature that that 'the sun can see', and therefore his neder includes blind people (as the sun 'can see them').

And on this the Gemara asks:

**מאי טעמא** What is the reason

Why do we explain his intent this way and why do we not explain simply that he means to assur all those that could see the sun?

The Gemara answers that we know this:

**מדלא קאמר** From this that he did not say

**מן הרואין** "from those who see"  
(and as such he is coming) to exclude **לאפוקי**  
fish **דגים**  
and unborn children **ועוברים**

The Gemara answers that if the person really wanted to assur those people who can see the sun (i.e., and not blind people), he should have said "from those who see", and he should not have mentioned the sun. Therefore, from the fact that he said, "those who see the sun", we understand him to mean that he wants to assur those who the sun sees, and this comes to include all living things except for fish (as the water covers them) and except for unborn children (as their mother's bodies cover them).<sup>14</sup>

<sup>14</sup> What Type of Benefit Can One Get from Unborn Children?

The Achronim asks that seemingly there is no way to benefit from unborn children, and if so, what does the Gemara mean that one is allowed to benefit

Tosefos points out that although we are saying that the neder includes everything except for fish and unborn children, this means to say that the neder includes every living thing, but he does not mean to include inanimate objects.

The Tiferes Yisroel points out that the case of the Mishna must be one in which the person only forbade those that the sun sees in a particular place or for a particular time. This is true because the Ran later on will tell us that any neder that cannot possibly be fulfilled is not chal. If so, the neder that says that the person is assur to benefit from all living things is one that he definitely cannot keep, and if so, it should not be chal. And yet, the Mishna says that it is chal. If so, it must be that the person limited the neder to either a specific time or to a specific place.

## משנה

### Making a Neder with Regard to “Dark-Headed” People

One who makes a neder הַנּוֹדֵר  
from “dark-headed” people מִשְׁחוּרֵי הָרֹאשׁ  
he is (still) assur from bald people אָסוּר בְּקַרְחִין  
and from old people (who have white hair) וּבְעַלֵי שִׁיבוֹת  
and he is mutur וְמוֹתֵר  
with ladies בְּנָשִׁים  
and with children וּבְקִטְנִים  
for they are not called “dark-headed” שְׂאִין נִקְרְאִין שְׁחוּרֵי הָרֹאשׁ  
people  
except for (adult) men אֲלָא אַנְשִׁים

As the Gemara will explain, the term “dark-headed” people refer to all adult men and no one else. Therefore, when the person makes this neder he is assur to benefit from even bald and old people (i.e., people who do not have black hair), and he is mutur to benefit from ladies and children, i.e., even though they do have hair.

## גמרא

The Gemara starts by asking:

What is the reason מַאי טַעְמָא

from them? There are those who answer that this refers to when these children will be born. That is, since they were mutur at the time that the neder was made, they stay mutur even after they are born and fit the criterion of the neder. See the Keren Orah where this question is discussed. Another answer given is based on the Gemara that says that if one wants to stop a bad smell from spreading, he can place a pregnant lady there and this will stop the smell (as a result of her

The Mishna said that if one makes a neder with “black-headed” people, he is still assur to benefit from bald and old people. But why do we assume that this is intent? He specifically said that he does not want to benefit from “black-headed” people (i.e., people with hair), and if so, why would he be assur from people who do not have hair?

The Gemara answer that we know that this is his intent:

From this that he did not say מְדֹלָא קְאָמַר  
“from those with hair” מִבְּעַלֵי שְׂעָרוֹ

If the person really wanted to assur those who actually have hair, he should have said so explicitly. That is, he should have said that he wants to make the neder with regard to those who have hair, and from the fact that he did not say this, shows us that he means to include bald people, and his intent with saying the words “dark-headed” people is to exclude those who never had dark hair.

The Ran explains that once we know that his neder does not mean to exclude bald people (as they once had dark hair), we know that he does not mean to exclude old people as well. That is, even though presently old people do not have dark hair, they once did, and as such, they are included in the neder.

The Gemara now explains how the implication of the term “dark-headed” people comes to include all men and exclude women and children.

The Mishna said:

He is mutur מוֹתֵר  
to women and children בְּנָשִׁים וּבְקִטְנִים  
for they are not called שְׂאִין נִקְרְאִין  
“dark-headed” people שְׁחוּרֵי הָרֹאשׁ  
only men (i.e., only men are called as ‘dark-headed’ אֲלָא אַנְשִׁים

What is the reason מַאי טַעְמָא  
(the Gemara answers) men אַנְשִׁים  
there are times זְיַמְנִין  
that their heads are covered דְּמִיכְסוּ רִישֵׁיהוּ  
and there are times וְזְיַמְנִין  
that they are revealed דְּמִגְלוּ רִישֵׁיהוּ  
but women אֲבָל נָשִׁים  
they (their heads) are always covered לְעוֹלָם מִיכְסוּ  
and children וּקְטָנִים  
(their) heads are always revealed לְעוֹלָם מִיגְלוּ

wide stomach). If a person does this, he will be benefiting from the baby inside the mother.

The Ran explains that he could not have referred to men with the term ‘those with covered heads’ as sometimes their heads are not covered. And he could not refer to them with the term “those with revealed heads” as sometimes they are covered. Therefore, left with no choice, he picked the term “black-headed” people as most men have black hair.

And even though women and children also have black hair, for them he could have used a different term, and as such we don’t assume that when he uses the term ‘black-headed’ people, it refers to them. For women he could have used the term “those with covered-heads” and for children he could have used the term “those with revealed heads”.

## משנה

### The Implication of the Word הילודים and the word נולדים

One who makes a neder הנודר  
from the yilodim מן הילודים  
is mutur from those that will be born מותר בנולדים

The term yilodim implies a past tense, i.e., those who were already born. Therefore, if a person says that he wants to assur himself from the yilodim, he is only assur to benefit from those who have already been born but not from those who have yet to be born.

The Mishna continues:

(But if he makes a neder) from מן  
the noladim הנולדים  
he is assur אסור  
from (even) those who were already born מן הילודים

Although one could have thought that the same way the term yilodim implies a past tense, the term noladim should imply a future tense (as the word noladim seems to imply something that will happen, i.e., they will be born). And therefore, if a person makes a neder to assur himself from the noladim, this should imply that he only wants to assur himself from those who have not yet been born but not from those who have already been born. The Tanna Kamma tells us otherwise. That although the term yilodim implies only a past tense, the term noladim implies both a future and past tense, and therefore, this person will be assur to both those who have not yet been born and from those who have already been born.

R' Meir רבי מאיר  
permits מתיר  
even those who have already been born אף בילודים

The Tanna Kamma said that if a person uses the term noladim, this will assur everyone (those already born and those who are going to be born). And to this R' Meir says that if a person uses the term noladim, he is even mutur from those who have already been born. The Gemara will ask that the implication of R' Meir’s words imply that he holds that not only will this person be mutur to those not yet born but he will even be mutur to those who have already been born. And on this the Gemara will ask the obvious question, that if it is really true like R' Meir is saying, it comes out that this person is not making anyone assur, but if so, what was he trying to accomplish with his neder? That is, why would he make a neder that doesn’t assur anyone?

The Mishna continues:

And the Chachamim say והכמים אומרים  
this person did not have intent לא נתכוון זה  
אֶלָּא only  
with regard to those בְּמִי  
whose way is to give birth שְׂדֵרְכּוֹ לְהוֹלִיד

The Ran explains that the Chachamim are coming to explain the shita of the Tanna Kamma. The Tanna Kamma said that if the person uses the term yilodim, this implies the past tense, and as such, will only include those who have already been born. However, when the person uses the term noladim, not only is the person assur in people not yet born (as the term noladim would seem to indicate) but the person is even assur from those who have already been born.

This is true because when the term noladim is used, the intent of this term is not to indicate the future tense as opposed to the past tense, but rather the intent of this term is to indicate all those creatures that are born. As the Gemara will explain, this term comes to exclude birds and fish, as they are not born from mothers but rather they are hatched from eggs.

The Rosh however explains that the Chachamim are not coming to explain the Tanna Kamma but rather they are coming to argue on the Tanna Kamma. The Tanna Kamma holds that it is only the term noladim that will assur both those already born and those not yet born, and the Chachamim argue, and they hold that both the term yilodim and the term noladim do not refer to a particular tense but rather both these terms refer to those whose way it is to be born. Therefore, the Chachamim hold that both in the case that the term yilodim is used and in the case that the term noladim is used, the person would be assur to benefit from both those who have already been born and from those who have not yet been born.

## גמרא

### Understanding R' Meir's Shita

In the case in which makes a neder to assur himself from the 'noladim', R' Meir said that he is even mutur from those who have already been born. And on this the Gemara asks:

According to R' Meir לרבי מאיר  
we don't need (to say) ולא מיבעיא

that he (is mutur from) those who were are going to be נולדים  
born

but (if so) from whom is he assur ממיאן אסור

In the case that a person makes a neder from the 'noladim', R' Meir says that he is even mutur to benefit from those who have already been born. That is, he is saying that it goes without saying that he is mutur from those who have not yet been born and he is even mutur from those who have already been born. Or in other words, he is mutur to benefit from everyone. But how could that be? If he is making a neder then he obviously wants to assur someone.

The Gemara answers:

It is missing (words) חסורי מיחסרא  
and this is how it should be learned והכי קתני

one who makes a neder הנודר  
from the yilodim מן הילודים  
is mutur מותר

from those who will be born בנולדים  
and if (one makes a neder) from מן  
the noladim הנולדים

he is assur with those already born אסור בילודים

(and) R' Meir says רבי מאיר אומר  
even if he makes a neder אף הנודר  
from the noladim מן הנולדים

he is mutur from yilodim מותר בילודים  
just like כי היכי

the one who makes a neder הנודר  
from the yilodim מן הילודים

is mutur with those that will be born מותר בנולדים

The term yilodim has the implication of those already born and the term noladim has the implication of those who will be born. If so, this is R' Meir's argument against the Tanna Kamma. The Tanna Kamma holds that if a person uses the term yilodim, he forbids just those who have already been born. And if he uses

the term noladim, this includes not only those who will be born but even those who have already been born. And on this R' Meir disagrees. He holds that the same way the term yilodim implies just one tense, i.e., those who have already been born but not those who will be born, so too the term noladim implies just one tense as well, i.e., those who will be born and not those who have already been born.

### Understanding the Implication of the Word נולדים

Rav Pappa said to Abaye אמר ליה רב פפא לאבאי

does this mean to say למימרא

that (the word) noladim הנולדים

implies will be born דמתניילדון משמע

From everything we have explained until now, we see that the Gemara assumes that the word נולדים implies those who will be born. And on this the Gemara asks:

But now אלא מעתה

(when the posuk says) “Your two sons שני בניך

that were noladim to you הנולדים לך

in Eretz Mitzrayim” בארץ מצרים

there also הכי נמי

(it means) those who will be born! דאיתניילדון הוא

This posuk (Bereisis 48:5) describes the bracha that Yaakov gave to Ephraim and Menashe. Yaakov is obviously describing Yosef's sons that were already born, and yet the posuk uses the word 'noladim'. If so, we see clearly that the word 'noladim' refers to those who were already born.

But on this the Gemara asks:

Rather what אלא מאי

it implies those who were born דיילידו משמע

but now אלא מעתה

this that it is written (Melachim 1 13:2) דכתיב

“Behold הנה

a son nolad to the house of Dovid בן נולד לבית דוד

Yoshiyahu is his name” יאשיהו שמו

The posuk describes that Yoshiyahu 'nolad', and on this the Gemara points out:

Here also הכי נמי

(does it really mean) it happened (i.e., he was born) דהוה

but there is still עדיין והא

Menashe מנשה

that had not yet come (that was not yet born) לא בא

The posuk describes that Yoshiyahu will be nolad, and at the point in time that this posuk was said Menashe, the grandfather of Yoshiyahu had not yet been born. If so, we see that the term 'nolad' obviously refers not to those who have been born but rather to those who will be born. And this leads to the problem that one posuk indicates that the term 'nolad' refers to those who have already been born and a different posuk indicates that opposite that the term refers to those that will be born.

The Gemara answers:

Rather (the word 'nolad') אָלָא  
 implies like this מִשְׁמַע הַכִּי  
 and it implies like this וּמִשְׁמַע הַכִּי  
 and with regard to nedarim וּבְנֵדָרִים  
 we go after הַלֵּךְ אַחֲרֵי  
 'the way of talking of people' לְשׁוֹן בְּנֵי אָדָם

The Gemara answers that in reality the word 'nolad' can refer to those already born and to those who will be born. And this is why in the pesukim we find the word referring to both these types of people.

However, with regard to nedarim we follow the common usage of the word. That is, even if in reality the word could refer to both, if the way the word is used in common language is only one way, then that will be the determining factor in deciding what the person's neder includes.

And the Ran explains that this is the machlokes between the Chachamim and R' Meir. The Chachamim hold that the same way we find in the Torah that the word can refer to both, so too it is with regard to how this word is used. They hold that this word is used both ways and therefore when a person does use this word to make a neder, it will assur both these who have been born and those that will be born. The Ran continues and explains that this is what the end of the Mishna is telling us. The end of the

Mishna is saying that since the word is used both ways, when the word is used, it is not coming to specify a particular tense but rather it is coming to say that he wants to assur all those creates that are born (as opposed to being hatched from an egg).

R' Meir however disagrees. He holds that although it is true that in the pesukim one can find the word being used both was, in common usage the word is used to refer specifically to those who will be born and not to those who have already been born, and as such, his neder will only include those who have not yet been born (the implication of the pesukim notwithstanding).

The Ran concludes that with regard to the word yilodim, everyone agrees that the common practice was to only use this word to refer to those who have already been born and therefore when this word is used in a neder, those who have not yet been born will not be included (despite the fact that in the pesukim we find the word being used both ways).

**Understanding the Chachamim's Shita that the Word 'Noladim' Comes to Include those Whose Way is to be Born**

The Mishna said :

And the Chachamim say וְחֻכְמֵיהֶם אֹמְרִים  
 this one did not have intent לֹא נִתְכַוֵּן זֶה  
 only (to assur benefit) from those אֲלָא מִמֵּי  
 whose way it is to be born שְׂדֵרְכּוֹ לְהוֹלִיד  
 what is this coming to exclude לְאַפּוֹקֵי מֵאֵי  
 it is coming to exclude לְאַפּוֹקֵי  
 fish and birds דְּגָיִם וְעוֹפוֹת

Birds and fish are not born rather they are hatched from eggs, and therefore when a person says that they should be assur from 'noladim', this refers to those who are born and not fish and birds.