

## משנה

The Similarity and Difference Between Yisrayalim and Kusim with Regard to Making a Neder from those Who Keep Shabbos, from those Who Eat Garlic, and from those Who Go Up to Yerusalayim

One who makes a neder הנודר from those who rest (observe) Shabbos משוכתי שבת is assur to a Yisroel (i.e., a Jew) אסור בישראל and is (also) assur to Kusim<sup>15</sup> ואסור בכותים (If one makes a neder) from those who eat garlic מאוכלי שום he is assur to a Yisroel אסור בישראל and he is (also) assur to a Kusim ואסור בכותים (And one makes a neder) from those who go up מעולי to Yerusalayim ירושלים is assur to a Yisroel אסור בישראל (but) he is mutur to a Kusim ומותר בכותים

The Mishna lists three cases:

- 1) The Mishna tells us that if someone makes a neder not to benefit from those who keep Shabbos, he is assur to benefit from both Jews and Kusim, as even the Kusim keep Shabbos.
- 2) Ezra made a takana that men should eat garlic on Friday night. Therefore, if one makes a neder not to benefit from those who eat garlic, this is understood to mean that he does not want to benefit from Jewish men as they were accustomed to eating garlic. Kusim are also include in the neder as they were also accustomed to eating garlic then.
- 3) Three times a year there is a chiyuv to be עולה רגל, to go up to Yerusalayim. Therefore, if a person makes a neder not to benefit from those who go up to Yerusalayim, this is understood to include Yisrayalim but not the Kusim (as the Kusim did not go up to Yerusalayim but rather they would go to Har Hagerizim, the place of their avodah zorah).

<sup>15</sup> Who Are the Kusim?

Kusim are people who descend from the nation of Kusa. They were brought to Eretz Yisroel by Melech Assur to settle the land after he sent the Aseres HaShevatim into golus. At one point they were attacked by lions and as a result they all converted. Although they accepted to become Jews and to do the mitzvohs, they still served avodah zorah. Throughout Shas, we find that Tannaim and Amoraim argue if they are considered what are called ("converts of lions") גירי אריות or ("true converts) גירי אמת. That is, do we say that since the only

## גמרא

## Who Are Considered the שוכתי שבת?

What (was meant when the person said) מאי שוכתי שבת those who rest on Shabbos אילימא if you say ממקיימי שבת from those who keep Shabbos מאי איריא בכותים why do we 'pick' Kusim אפילו גוים נמי even goyim also (should be included)

If the person had the intent to forbid those who rest on Shabbos, why are the goyim not included? Even though the goyim are not obligated to keep Shabbos, many of them do, and if so, they should be included in the neder as well.

Rather (what do you have to say) אלא (it includes) from those commanded ממצוים על השבת on Shabbos אי הכי (But) if so אימא סיפא (i.e., the case of) אלא (and the halacha is) that he is assur מעולי ירושלים from those who go up to Yerusalayim (and the halacha is) that he is assur אסור בישראל with a Yisroel ומותר בכותים and his mutur in Kusim אמאי (but) why אמה מצוים ניהו but they (the Kusim) are obligated

The Gemara explained that even though the goyim also rest on Shabbos, they are not included in the term of "those who rest on Shabbos" as they are not obligated to keep Shabbos. But on this the Gemara asks that if the criterion for who is included and who is not included is if they are obligated or not, why are the Kusim not included in the term of 'those who go up to Yerusalayim'? Granted they do not go up to Yerusalayim but they are obligated to do so. If so, why are they not included?

The Gemara answers:

אמר אבוי Abaye said we learned those who are obligated and do מצוה ועושה קתני we learned those who are obligated and do מצוה ועושה קתני with two (criteria) בתרתי

reason they converted was to save themselves from the lions, their conversion was not valid and they still have the status of non-Jews. Or do we say that even though the reason why they converted was in order to save themselves, they have the status of Jews.

Abaye answers that in order to be included is a particular category, one must satisfy two requirements. The person must be obligated to do the mentioned action and he must actually do it. With this the Gemara explains the halachos of the Mishna.

In the first case **בְּבֵי קַמְיִיתָא**  
(both) Yisrayalim and Kusim **יִשְׂרָאֵל וְכוּתִים**  
are obligated and do **מְצוּוֹן וְעוֹשִׂין**  
(but) goyim **גוֹיִם**  
the ones that do (i.e., keep Shabbos) **הוּא דְעֵבְדִי**  
they do **עוֹשִׂין**  
but they are not obligated **וְאֵינָם מְצוּוֹן**

With regard to keeping Shabbos, although Yisrayalim, the Kusim, and some goyim keep Shabbos, only Yisrayalim and Kusim are obligated to do so, and therefore only they are included in the term ‘those who rest on Shabbos’.

But with regard to the term of:

Those who go up to Yerusalayim **בְּעוֹלֵי יְרוּשָׁלַיִם**  
Yisrayalim are obligated and do it **יִשְׂרָאֵל מְצוּוֹן וְעוֹשִׂין**  
(but) Kusim **כוּתִים**  
they are obligated **מְצוּוֹן**  
but they don't do **עוֹשִׂין** **וְאֵינָם**

Although Kusim are also obligated to go up to Yerusalayim, they don't, and as such they are not included.

## משנה

### Defining the ‘Bnei Noach’

(If a person makes a neder by saying) “Konam **קוֹנָם**  
that will not benefit **שְׂאִינִי נִהְנֶה**  
from the Bnei Noach **לְבְנֵי נֹחַ**  
he is mutur (to benefit) from a Yisroel **מִיִּשְׂרָאֵל**  
but is assur **וְאִסוּר**  
(to benefit from someone) from the nations **בְּאוֹמוֹת**  
of the world (i.e., the goyim) **הָעוֹלָם**

## גמרא

The Mishna told us that if someone makes a neder not to benefit from the Bnei Noach, he is assur to benefit from goyim but he is mutur to benefit from a Jew. And on this the Gemara asks:

And Yisroel (i.e., a Jew) **יִשְׂרָאֵל**

did he go out **מִי נָפִיק**

from the ‘category’ of the Bnei Noach **מִכְּלָל בְּנֵי נֹחַ**

Every person in the world (the Jews included) descends from Noach (as the rest of the world was destroyed during the mabul). If so, why are Jews not included in the term ‘the Bnei Noach’.

The Gemara answers:

Since Avrohom was ‘made holy’ **כִּינוּ דְאִיקְדִּשׁ אַבְרָהָם**  
they (the Jews) are called **אִיתְקְרוּ**  
by his name (and not by Noach’s name) **עַל שְׁמֵיהּ**

## משנה

### Defining the Zerah (descendants) of Avrohom

If someone makes a neder by saying:

“I will not get benefit from **שְׂאִינִי נִהְנֶה**  
the zerah (descendants) of Avrohom **לְזֶרַע אַבְרָהָם**  
he is assur to a Yisroel **אִסוּר בְּיִשְׂרָאֵל**  
and he is mutur **וּמוֹתֵר**  
to the nations of the world **בְּאוֹמוֹת הָעוֹלָם**

## גמרא

The Mishna said that if a person makes a neder not to benefit from the zerah Avrohom, he is only assur to benefit from a Jew but not from a goy. And on this the Gemara asks:

But there is Yismael **יִשְׁמַעֲאֵל**  
“For in Yitzchok **כִּי בְּיִצְחָק**  
it will be called **קָרָא**  
to you zera (descendants)” **לְךָ זֶרַע**  
it is written (Bereisis 21:12) **כְּתִיב**  
but there is Esav **עֵשָׂו**  
(the posuk says) with Yitzchok **בְּיִצְחָק**  
(which means) and not **וְלֹא**  
with all of Yitzchok **כָּל יִצְחָק**

The Gemara asked that how the term ‘Zerah Avrohom’ could refer to only Jews if Yismael (a non-Jew) also came from Avrohom. To which the Gemara answers with the posuk that said that only the descendants of Yitzchok will be considered as ‘Zerah Avrohom’.

But on this the Gemara asks that this will not be sufficient to explain why only Jews are included in the term ‘Zerah Avrohom’ as Esav (a non-Jew) comes from Yitzchok. To which the Gemara answers that although the words **כִּי בְּיִצְחָק** imply that the ‘Zerah Avrohom’ are defined by those who come from Yitzchok - **בְּיִצְחָק**,

this also implies that it will not be all those who come from Yitzchok but rather it will be a select group (i.e., only the descendants of Yaakov).

## משנה

### Selling and Buying from those who are Assur to Benefit from You and from those Whom You are Assur to Benefit from

If a person makes a neder by saying:

“That I will not benefit **נְהַנֶּה** from a Jew” **מִיִּשְׂרָאֵל**  
(the halacha is that he must) buy **לֹקַח**  
for more **בְּיֹתֵר**  
and sell for less **בְּפָחוּת**

If a person says that he will not benefit from a Jew, then when he buys something from a Jew, he must buy it for more than the market value and when he sells another Jew something, he must sell it for less than market value.

The reason for this is to make sure that this person doesn't benefit from the transaction. That is, if this person will sell or buy something at market value, it comes out that he has benefited from the deal, and if so, this would be considered a violation of his neder (as he is benefiting from the other Jew). In order to ensure that this does not happen, the person who made the neder must lose on the deal. That is, when he sells the object, he must sell it for less and when he buys it, it must buy it for more.

If, however, the person says:

“That a Jew **שִׂיִּשְׂרָאֵל**  
(should not) benefit from me” **לִי**  
he buys it for less **בְּפָחוּת**  
and he sells it for more **בְּיֹתֵר**

If instead of saying that he is assur from others, the person making the neder says that others are assur to benefit from him, then the opposite is true. When he buys an object from a Jew, he must pay less than market value, and when he sells something, he must do so for more than market value. This must be done to make sure that the other person does not benefit from this transaction.

And on this the Mishna points out:

And they will to listen to him **לֹא שׁוֹמְעִין לוֹ**

If the only way that this person can buy from a Jew, is to buy at below the market value, and the only way to sell to a Jew, is to sell at more than market value, then obviously no one will want to do business with him (as they will always be on the losing end of the deal).

The Mishna continues and says that if the person makes the neder by saying:

“That I will not give benefit to them **שְׂאִינִי נְהַנֶּה לָהֶן**  
and they (can't give benefit) to me **לִי**  
he has to give benefit **נְהַנֶּה**

‘to goyim’ (the nations of the world) **לְאַוּמוֹת הָעוֹלָם**

If the person makes a neder to forbid himself from giving benefit to Jews and from Jews giving benefit to him, he will be left with no option but to do business with the goyim. He can't sell to Jews or buy from them because no matter how much he would pay, either he or the other Jew will be considered as getting benefit (something that is forbidden by his neder).

## גמרא

### Who Benefits from a Business Deal that is Done at Market Value – The Seller or the Buyer?

Shmuel said **אָמַר שְׁמוּאֵל**  
one who takes a klei (utensil) **הַלֹּקַח כְּלֵי**  
from the craftsman to check it **מִן הָאוּמָן לְבַקְרוֹ**  
and an accident happened to it **וְנִאֲנַס**  
while it was in ‘his hand’ (possession) **בְּיָדוֹ**  
he is chayiv (obligated to pay) **חַיִּיב**  
(From this) we see **אֵלְמָא**  
that he holds **קָסְבֵּר**  
‘it is the benefit of the buyer’ **הִנָּאת לֹקַח הִיא**

With regard to what a person is obligated in while watching someone else's object, there are three levels.

1. If the person is a **חָנֵם** - an unpaid watchman, then he is only obligated to pay for the object if something happens to it while he was negligent in his watching.
2. If the person is a **שׂוֹמֵר שָׂכָר** - a paid watchman, then he is obligated not only if he was negligent, but he is also obligated to pay if the object was either lost or stolen. The only case in which he would be patur from paying is the case of an **אוּנָס** - if something happens to the object that was beyond his control.
3. If the person is a **שׂוֹאֵל** - a borrower, then since he is understood as being the one getting all the benefit (i.e., he gets to use the object without paying for this use), he is obligated to pay for damage, even if an **אוּנָס** - something beyond his control happens to the object.

Shmuel said that if a person takes an object (with the intention of buying it) to a craftsman to have it inspected before the sale, if something happens to damage the object the potential

buyer will be obliged to pay for the object, even if the thing that happened was beyond his control.

The Gemara understands that the reason that this is true is because in this ‘transaction’ it is considered as the potential buyer is the one who is receiving all the benefit, from the fact that he is about to buy the object (see footnote<sup>16</sup>). That is, since it is the buyer who ‘is getting the benefit’ from the transaction, that is why he is obligated to pay even for an אונס – something that was beyond his control (i.e., he has the status of a שואל, see footnote).

But on this assumption, that it is the buyer who benefits from the transaction, the Gemara asks:

(But) we learned in (our) Mishna תנו  
(if a person says) “that I will not benefit נהנה  
from a Jew” מישראל  
(he has to) sell for less מוכר בפחות  
but at the ‘market’ price (lit. equal for equal) אבל שוה בשוה  
no (he can’t) לא

And on this the Gemara asks:

But if ואי  
the benefit (of the sale) is the buyer’s הנאת לוקח היא  
even אפילו  
at the ‘market value’ (he should be able to sell it) שוה בשוה

The Mishna tells us that if a person says that he can’t benefit from a Jew, then the person can’t sell an object to another Jew for the real price of the object. But why not? If it is really true as Shmuel said, that when a person buys something, it is considered as if the buyer is the one benefiting, even if the person would sell the object at its real value, it should not be considered as if he is benefiting (as he is the seller and not the buyer).

The Gemara answers:

Our Mishna (is dealing with a case) מתניתין  
of ‘an object that it hard to sell’ בזביןא דרמי על אפיה

The Gemara answers that although it is true that in a typical sale it is the buyer who is considered as the one getting the benefit, in the Mishna we are dealing with an object that is hard to sell (lit. with a sale that lies on his face). Therefore, since this object is hard to sell, if he does sell it, he is the one who is considered as the one who benefits. Therefore, to offset this benefit, it must be sold at a low price.

But on this the Gemara asks:

If so אם כן  
say the raysha אימא רישא

he buys it for more לוקח ביותר

The Mishna said that in the case that a person says that he will not benefit from a Jew, if he buys something from a Jew, then he has to buy it for more than the going price. But why? If it is really true that the Mishna is discussing a case in which the seller is having a hard time selling the object, then even if the person will buy the object at the fair-market price, it should be considered that the seller, and not the buyer is the one who is benefiting. If so, why does this person have to pay extra?

The Gemara further asks:

And furthermore ועוד  
say the sayfa אימא סיפא  
(if the person says) “That a Jew שישראל  
should (be assure to) benefit from me” לי  
he has to buy it for less [לוקח בפחות]  
and sell it for more מוכר ביותר  
but if ואי

it is an “object that is hard to sell” בזביןא דרמי על אפיה  
even at the ‘market’ price אפילו שוה בשוה

The sayfa deals with a case in which the person makes a neder that another Jew cannot benefit from him. And because of this neder, the Mishna says when he sells the other Jew an object, he must sell it to him at a higher than market price. This is done in order to make sure that the other person does not benefit from him. And on this the Gemara asks that if we are discussing a case in which the object is hard to sell, then even if the person sells it as market price, it is considered as if he, and not the buyer is the one benefitting from the sale (as since this object is hard to sell, a sale will be considered a win for the seller and not the buyer). But if so, why can’t he sell it at the regular price?

The Gemara answers that:

The sayfa (is discussing) סיפא  
‘an in high-demand object’ בזביןא חריפא

The Gemara answers that the sayfa is discussing a case in which the object is in high demand, and as such, in a case in which the price is the fair value of the object, the sale is considered a win for the buyer. Therefore, when this person sells this object to another Jew, he must do it at a higher price in order to make sure that it is not considered as if the buyer is getting benefit from the seller (i.e., the buyer cannot benefit from the seller, the one who made the neder).

But if so אי הכי

<sup>16</sup> Does the Person Actually Have to Buy the Item in Order to be Chayiv for an אונס?

The Ran explains that although this person did yet buy the object, since the price has already been set, and now at this point he has the ability to buy it, he

is already considered like a ‘buyer’, and as such, he is already chayiv if the object gets damaged, even if the reason why it got damaged was out of his control.

(how do we understand this) that he buys it לוקח  
for less בַּפְּחוּת  
even אֲפִילוּ  
'at market value' (it should be mutur) שְׁוֵה בְּשוּוֹה

The sayfa said that in the case that the person made a neder that no other Jew should be able to benefit from him, when he sells it, he must sell it for more, and when he buys it, he must buy it for less. Now, if the sayfa is discussing an object that is in high

demand, we understand why he has to sell it for more (as we just explained), but why does he have to buy it for less? Even if he would buy it at fair-market value, it would still be considered a win for him (the buyer) and not the other Jew (the seller). If so, how do we understand why he would have to buy it for less?

The Gemara answers:

Rather אֶלְמָנָה

## Nedarim 31b

Our Mishna מתניתין  
(is) a 'middle (ground type) of sale בְּזָבִינָא מִיְצָעָא  
and (the case) of Shmuel דְּשִׁמוּאֵל  
is a 'high-demand object' בְּזָבִינָא חֲרִיפָא

The Gemara answers that the case of the Mishna is discussing a case in which the object being sold is not an easy object to sell and it is not a hard object to sell, rather it is a sale similar to all others. Therefore, it can be said that both the seller and the buyer benefit when the sale takes place. Therefore, in order to make sure that the person who made the neder is not benefiting from the other person, he will have to adjust the price accordingly. That is, if he can't benefit from the Yisroel, then when he sells the object, he will have to sell it for less and when he buys it, he will have to buy it for more. And when it comes to the case that the Yisroel can't benefit from him, he will have to do the reverse. When he sells the object, he will have to sell it for more and when he buys it, he will have to buy it for less.

However, the case of Shmuel's halacha is discussing an object that is easy to sell and therefore it is considered as 'all the benefit' is going to the buyer and that is why he will be responsible for any damage that happens to it, even if the cause of the damage was beyond his control (i.e., he is chayiv for an אונס similar to the borrower).

**To Summarize:** In a case of a typical object, when it is sold it is considered as if both the seller and the buyer benefit from the transaction, but if the object is an object that is in high demand (easy to sell), it is considered as if all of the benefit goes to the buyer, and if the object is a hard to sell object then it is considered that the seller is the one that benefits.

Shmuel's halacha says that in the case of someone buying an in-demand object, all of the benefit of the transaction is considered the buyer's and this results in the buyer being chayiv to pay for damages to the object in the same manner as a borrower, i.e., they are both chayiv if an אונס happens to it. And with regard to this the Gemara says:

**As Long is a Person Considered as a Buyer with Regard to Determining if He is a שואל or a שומר שכר?**

We learned in a Baraisa תנא  
like (the shita) of Shmuel דְּשִׁמוּאֵל  
one who buys utensils (merchandise) הַלּוֹקֵחַ כְּלִים

### <sup>17</sup> Why is He Considered as a Paid Watchman on the Way Back?

The Ran explains that the reason that he is considered as a paid watchman and not as someone who is watching the object for free (i.e., a שומר חנם) is because this is similar to every time someone borrows something.

from a merchant מן התגר  
(in order) to send it לשגרן  
to his father-in-law's house לבית חמי  
and he said to him (to the merchant) ואמר לו  
"If they accept it from me אם מקבלין אותן ממני  
I will give you its money אני נותן לך דמייהם  
and if not ואם לאו  
I will give you אני נותן לך  
in accordance with לפי  
the 'benefit' (that I got) from them טובת הנאה שבהן  
and an accident happened to them נאנסו  
on the way (to the father-in-law) בהליכה  
he is obligated (to pay) חייב  
(but if it broke) with its returning בחזרה  
he is patur (from paying) פטור  
because מפני  
he is like a paid watchman שהוא כנושא שכר

A person buys merchandise from a merchant and tells the merchant that the reason that he is buying these things is in order to send them to his father-in-law as a gift. The man makes up with the merchant that if his father-in-law accepts the gifts, the man will pay for them. And if his father-in-law does not accept them, although he will then return the merchandise, he will still pay for the benefit that this person received from the fact that his father-in-law knows that his son-in-law wanted to give these gifts to him.

The Baraisa says that the halacha in this case is as follows. If the object gets broken on the way to the father-in-law, then this person will have to pay for it, even if it was an אונס that happened to it. And this is in accordance with what Shmuel said. That any time a person is a buyer or is on the way to buy something (in the case that the object is in high demand), it is considered as if all the benefit is his, and therefore he will be chayiv for even an אונס.

However, on the way back he will not be chayiv for an אונס, because on the way back he is only considered as a paid watchman and not as a borrower. This is because once he is on his way back, we know that the person will not be buying the object (as his father-in-law did not want it), and as such, it is no longer considered that all the benefit is his, (see footnote for the explanation of why he is considered as a paid watchman if he is not being paid).<sup>17</sup>

The halacha is that a borrower is considered a borrower for the length of the time-period that he is allowed to borrow it, and afterwards he is considered as a paid watchman. For example, if the person borrows an object for thirty days, for the first thirty days he has the status of a borrower (who is chayiv for an אונס)

The Gemara brings another story dealing with this topic.

There was a middleman **ההוא ספסירא**  
that took a donkey to sell **דשקל חמרא לזבוי**  
and he did not sell it **ולא איזבן**  
(and) on the way back **בהדי דהדר**  
an accident happened to the donkey **איתניס חמרא**  
and Rav Nachman obligated him **חיביה רב נחמן**  
to pay **לשלומי**  
Rav asked Rav Nachman **איתיביה רבא לרב נחמן**  
(but we learned) if an 'accident' (onus) happens **נאנסו**  
on the way (there) **בהליכה**  
he is chayiv (to pay) **חיב**  
(but if it happens) on the way back **בהזרה**  
he is patur (from paying) **פטור**

We previously learned that once a person makes up his mind to buy something, then he is chayiv for an **אונס**. But if at a later point he decides not to buy it, then he will no longer be chayiv for an **אונס**. If so, how could Rav Nachman say that this middleman is chayiv both on his way to make the sale and even after he realizes that the sale will not take place. This middleman agrees to buy the donkey from this man if he is able to find a buyer. Therefore, we understand that while he is on the way to selling it, he is chayiv for an **אונס**, because since he is on the way to sell it, he is considered as a buyer (as when he sells the donkey, he will first buy it from this person). But why should he be chayiv on the way back? At this point, he will no longer be selling the donkey, and if so, why is he still considered as a buyer?

The Gemara answers:

He said (answered) to him **אמר ליה**  
the return of the middleman **חזרה דספסירא**  
is (considered) as 'a going' **הולכה היא**  
for if he would be to sell it **דאילו משכח לזבוי**  
even on the door of his house **אפילו אבבא דביתיה**  
would he not sell it to him **מי לא מזבין ליה**

The Gemara answers that while it is true that this middleman had a particular place that he wanted to sell this donkey, this does not mean that he will only agree to sell it there. At any time and in any place that he could sell the donkey he would be willing to do so. Therefore, at all times, until he actually returns the donkey,

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and after the thirty days, he has the status of a paid watchman. That is, he is not chayiv for an **אונס** but he is chayiv if the object is lost or stolen (this would not be the case if he had the status as an unpaid watchman, as an unpaid watchman is only chayiv for negligence).

The Ran explains that the reason that the person is chayiv as a paid watchman after the thirty days even though he is not being paid at that point is because this is the deal that is made every time someone borrows something. Since this person is benefiting from the use of the object, he agrees to be

it is considered that he is benefiting from this that he has the donkey and therefore he will still be chayiv for an **אונס**.

## משנה

Who is Considered an ערל and Who is Considered as a מל?

(Someone who says) "Konam **קונם**  
that I will give benefit **שאני נהנה**  
to the uncircumcised **לערלים**  
He is mutur **מותר**  
to the uncircumcised of Yisroel **בערלי ישראל**  
and he is assur **ואסור**  
to the 'goyim' that have a bris **במולי אומות העולם**  
(And if he says "Konam) that I **שאני**  
will benefit to those who have a bris **נהנה למולים**  
he is assur **אסור**  
to the Jews who do not have a bris **בערלי ישראל**  
and he is mutur **ומותר**  
to the goyim who do have a bris **במולי אומות העולם**  
for the term 'orlah-uncircumcised is not **שאין הערלה**  
called (upon) **קרויה**  
only **אפלא**  
with reference to **לשם**  
the nations of the world **אומות העולם**  
as it says (Yirmiyah 9:25) **שנאמר**  
"for all of the nations are uncircumcised **כי כל הגוים ערלים**  
all of the Bais Yisroel **וקל בית ישראל**  
have uncircumcised **ערלי**  
hearts (i.e., they have unpure thoughts) **לב**

The Ran explains that from this posuk we see that the goyim are called araylim (uncircumcised people) even if they have a bris. This is seen from the fact that the posuk calls all of them araylim, even though there are certainly some goyim who have a bris. If so, it must be that the term araylim is used to describe goyim, even if they have a bris.

The Mishna brings another proof that the term araylim refers to goyim even if they have a bris.

obligated as a paid watchman, even after he is no longer allowed to use the object.

If so, in our case as well. Since this person has the status as a borrower on the way to his father-in-law's house, he as the status of a paid watchman on the way back.

And it says (Shmuel 1 1:20) **וְאָמַר**

“**וְהָיָה הַפְּלִשְׁתִּי**

**הַיָּעָרְל הַזֶּה**

In this posuk, Dovid refers to Goliath as an עָרְל. The Ran explains that Dovid had no way of knowing if Goliath was indeed an עָרְל or not because it could be that he was born with a bris. And yet, Dovid still used this term. If so, we see that it must be that the term was appropriate as all goyim can be referred to as an עָרְל.

The Mishna brings one more proof that all goyim are called araylim.

And it says (Shmuel 2 1:20) **וְאָמַר**

“**לֵאמֹר**

**בְּנוֹת פְּלִשְׁתִּים**

**לֵאמֹר**

**בְּנוֹת הָאֲרָיִלִים**”

The Ran explains that from this posuk as well we see that all of the Plishtim are categorized as araylim, even though it is possible that some of them were really not (as some people are born without the orlah (foreskin). If so, it must be that the term araylim can refer to the goyim, regardless of if they are technically an עָרְל or not (see footnote for explanation as why the Mishna needed three sources for this concept)<sup>18</sup>.

R' Elazar ben Azaria says **רַבִּי אֱלָעָזָר בֶּן עֲזַרְיָה אָמַר**

**מֵאִסָּה הִיא**

**הָעֲרֵלָה**

**שֶׁנִּתְגַּנְּנוּ בָּהּ רְשָׁעִים**

**דִּלְגָּה**

**שֶׁנֶּאֱמַר**

“**כִּי כָל הַגּוֹיִם**

**הֵם אֲרָיִלִים**”

This is the posuk that was brought previously in the Mishna. The posuk ends off by calling the Bnei Yisroel as araylim of the heart, i.e., the posuk is denigrating the Bnei Yisroel. If so, we can assume that when the beginning of the posuk calls the goyim with the term araylim, the intent is to denigrate them. From here we see that if one wants to denigrate someone else, he does so by

calling him an עָרְל, which means that the orlah must be a disgusting thing.

### The Greatness of Milah

R' Yismael says **רַבִּי יִשְׁמַעֲלָא אָמַר**

**גְּדוּלַת מִילָה**

**שֶׁנִּכְרְתוּ עָלֶיהָ**

**שְׁלֹש עָשָׂר בְּרִיתוֹת**

The Ran explains that this refers to the thirteen times the word ברית – bris is written in the parsha of milah (Bereisis 17 1-22).

R' Yosie says **רַבִּי יוֹסֵי אָמַר**

**גְּדוּלַת מִילָה**

**שֶׁדוֹחָה**

**אֶת הַשַּׁבָּת חֲמוּרָה**

Although normally it is assur to make a wound on Shabbos, one is allowed to give a child a bris on Shabbos. If so, we see the greatness of bris milah. That although it is a great avayra to do forbidden work on Shabbos, one is allowed to make a wound in order to get the great mitzvah of bris milah.

says R' Yehoshua ben Korcha **אָמַר רַבִּי יְהוֹשֻׁעַ בֶּן קֹרְחָה**

**גְּדוּלַת מִילָה**

**שֶׁלֹא נִתְּלָה לוֹ לְמִשְׁפַּחַת הַצַּדִּיק עָלֶיהָ**

**‘spared’ from it**

**(for even) a ‘one’ hour שְׁעָה**

The Ran explains that when Moshe was lax is doing his son's milah, the malach immediately wanted to kill him (as will be explained later on in the Gemara).

R' Nechemia says **רַבִּי נְחֵמְיָה אָמַר**

**גְּדוּלַת מִילָה**

**שֶׁדוֹחָה אֶת הַנְּגַעִים**

Negayim are blemishes that one gets as a result of contracting tzaras. Normally it is assur to cut these off, but if a person has these negayim on the place of the milah, they are allowed to be cut off. That is, although it is normally assur to cut them, the greatness of the mitzvah of milah allows them to be cut off.

Rebbi says **רַבִּי אָמַר**

<sup>18</sup> Why Does the Mishna Need to Bring Three Separate Sources to Teach that the Goyim Can be Referred to as Araylim Even if they Are Not Technically Araylim?

1) The Ran explains that the Mishna could not just bring the first posuk that it quoted because one could argue that when the posuk refers to the goyim as araylim, it just means that they are araylim of the heart (i.e., they have impure thoughts). And indeed, the end of the posuk describes Klal Yisroel as araylim. Not as actual araylim but rather as arayil of the heart. And if, it could be possible that when the posuk describes the goyim as araylim, this is its intent as well.

2) The Ran continues and says that the Gemara could not just bring the posuk with regard to Goliath because it could be that the reason that Dovid called Goliath an עָרְל is because although it is possible for a person to be born as a non-עָרְל, it is not common, and as such, this is why Dovid was able to describe Goliath as an עָרְל, even if he was not totally sure that this was true.

3) The Ran concludes and says that from the last posuk we have a good proof. This posuk refers to the entire nation as araylim, even though there were certainly those among them that were not araylim.



great is milah גדולה מילה  
for (despite) all the mitzvohs שְׁכַל הַמִּצְוֹת  
that Avrohom Avinu did שֶׁעָשָׂה אַבְרָהָם אָבִינוּ  
he was not called a 'complete' (person) לֹא נִקְרָא שָׁלֵם  
until he had a bris עַד שֶׁמָּל  
as it says (Bereisis 17:1) שֶׁנֶּאֱמַר  
"Go before me לִפְנֵי הַתְּהַלֵּךְ לִפְנֵי  
and be complete" וְהָיָה תָּמִים  
Something else (a different interpretation) דָּבָר אַחֵר  
great is milah גדולה מילה  
for if not for it שֶׁאִלְמָלָא הִיא  
Hashem would not have created לֹא בָּרָא הַקְּדוֹשׁ בְּרוּךְ הוּא  
His world אֶת עוֹלָמוֹ  
as it says (Yirmiyah 33:25) שֶׁנֶּאֱמַר  
"So says Hashem ה' אָמַר ה'  
if not for my bris אִם לֹא בְּרִיתִי  
day and night יוֹמָם וְלַיְלָה  
the laws of the heavens and earth חֻקֹּת שָׁמַיִם וָאָרֶץ  
I would not have placed לֹא שָׂמֵתִי

## גמרא

### Understanding the Complaint Against Moshe Rabbinu for Not Giving His Son a Bris

We learned in a Baraisa תִּנָּא  
R' Yehoshua ben Korcha says רַבִּי יְהוֹשֻׁעַ בֶּן קֹרְחָה אָמַר  
great is milah גדולה מילה  
for all the z'chusim (merits) שְׁכַל זְכוּיֹת  
that Moshe Rabbinu did (had) שֶׁעָשָׂה מֹשֶׁה רַבִּינוּ  
(they) did not stand (protect) him לֹא עָמְדוּ לוֹ  
when he was lax כְּשֶׁנִּתְּרָשַׁל  
when he was lax כְּשֶׁנִּתְּרָשַׁל

from (doing the mitzvah) of milah מִן הַמִּילָה  
as it says (Shemos 4:24) שֶׁנֶּאֱמַר  
"and Hashem met him וַיִּפְגְּשֵׁהוּ ה'  
and he wanted to kill him" וַיִּבְקֶשׂ הַמֵּיתוֹ  
Rebbi said רַבִּי אָמַר  
chas v'shalom (G-d forbid) חַס וְשָׁלוֹם  
(to say) that Moshe Rabbinu שֶׁמֹּשֶׁה רַבִּינוּ  
was lax from milah נִתְּרָשַׁל מִן הַמִּילָה  
rather this is what he said אֶלָּא כִּךְ אָמַר  
"Should I give him a milah אֲמַוֵּל  
and go (to Mitzrayim) וְאָצָא  
(but) this is a danger סִכָּנָה הִיא  
as it says (Bereisis 34:25) שֶׁנֶּאֱמַר  
"and it was וַיְהִי  
on the third day בַּיּוֹם הַשְּׁלִישִׁי  
that they were in pain etc." בְּהֵיטָתֵם כְּאֲבִים וְגו'  
(And if) I give him a bris (now) אֲמַוֵּל  
and I wait three days וְאֶשְׁהָא שְׁלֹשָׁה יָמִים  
(but) Hashem said to me הַקְּדוֹשׁ בְּרוּךְ הוּא אָמַר לִי  
"Go, return to Mitzrayim לֵךְ שָׁב מִצְרַיִם

Hashem told Moshe to go to Mitzrayim. But now Moshe was faced with the following dilemma. If he gives his son a bris and then proceeds to go to Mitzrayim, this would put his son in danger. As we see from the posuk (see footnote).<sup>19</sup> But if he waits three days for the bris to heal, he will not be listening to what Hashem told him with regard to going back to Mitzrayim. Because of this problem, Moshe did not give him a bris.

But on this the Gemara asks:

'But if so' אֶלָּא  
because of what מַפְנֵי מָה  
was Moshe punished נֶעְנַשׂ מֹשֶׁה

If Moshe really had a legitimate reason why he could not do the bris then, why would he be punished?

<sup>19</sup> The Third Day After a Bris

The posuk describes how Shimon and Lavi waited for three days after the people of Shechem gave themselves a bris before attacking. The Ran explains that this does not mean to say that the third day is the hardest after the bris but

rather that they waited until then, as at that point they would be at their weakest from that fact that they had already gone through three days of pain.