

Nedarim 7a

The last daf ended off with the Gemara bringing a hekesh between nedarim and peah. Our daf continues with explaining this hekesh.

The posuk in the parsha of nedarim (Devarim 23:22) says כִּי תִדָּר נֶדֶר לַיהוָה אֱלֹהֶיךָ לֹא תֵאָחֵר לְשִׁלְמוֹ כִּי־דָרַשׁ יְדִרְשֶׁנּוּ ה' אֱלֹהֶיךָ מֵעַמְּךָ וְהָיָה בְךָ חֶטָּא. “When you make a neder to Hashem your G-d, do not delay in paying it for Hashem your G-d will demand it from you, and it will be in you an awayra (sin)”.

The Gemara in meseches Rosh Hashana (5b) darshins (expounds upon) each word of this posuk to refer to a different halacha. Our Gemara will just bring the drasha that is relevant to us.

(The posuk says) “From you”	מֵעִמְךָ
this (refers to)	זֶה
leket, shichchah, and peah	לְקַט שְׂכַחַה וּפְאֵה

The Rosh explains that when the posuk uses the word מעמך this refers to the gifts that you give to the aniyim. This is seen from the posuk in Shemos (22:24) says אֶת הָעֲנִי עִמָּךְ “And the poor person that is with you”. That is, although the posuk is referring to nedarim, this word tells us that it is also referring to the chiyuv to give peah.

And we now have the Gemara’s question; is the hekesh from peah to nedarim only with regard to the actual subject of the posuk, i.e., with regard to the lav of ‘bal t’acher’, or is it in relation to the halacha of yados as well?

Are There Yados with Regard to Tzeddakah?

The Gemara does not answer its question with regard to yados and peah and continues to ask with regard to other halachos.

Are there ‘yados’	יש יד
with regard to tzeddakah	לצדקה

³⁶ Understanding the Difference Between Peah and Tzeddakah with Regard to Yados?

The Ran brings that his Rabbayim (teachers) explained that there is a difference between peah and tzeddakah and the Gemara is asking in a אמ תמצא format. That is, even if there are yados with regard to peah, perhaps that is only because peah is more chamor as one is forced to give peah. And if so, we now have our question, if peah has yados, what is the halacha regarding tzeddakah that does not have this chumrah?

To which the Ran argues and says that there is no such chumrah of peah over tzedakah. Just as one is obligated to give peah, one is chayiv to give tzedakah as well. And one cannot say that tzedakah has a kulah that one does

or are there no	או אין
‘yados’ with regard to tzeddakah’	יד לצדקה ³⁶
what are dealing with	היכי דמי
if you say	אלימא
(the case is) that he said	דאמר
“This zuz (a type of coin)	הדין זוזא
should be for tzeddakah	לצדקה
and this one also”	והדיו נמי
this is actual tzedakah	ההוא צדקה עצמה היא

This is the same question that we asked previously. That if the person says, “this one also”, this is not to be considered as just a yad but rather it is an explicit declaration of his intent, and if so, there should be no doubt as to its validity.

The Gemara answers:	
Only for example	אלא כגון
that he say “and this”	דאמר הדין
and he did not say “also”	ולא אמר נמי
what (is the halacha)	מאי

The Gemara explains the two sides of the question.	
This one also should be for tzeddakah	הדין נמי צדקה
he is saying	קאמר
or maybe	או דלקא
what does ‘also’ (mean)	[מאי] והדין (נמי)
for his general expenses	לנפקותא בעלמא
he was saying	קאמר
and it was his dibbur (speaking)	ודבורא הוא
that he did not finish	דלא אסקיה

The reason that this is only considered as a yad is because his intentions are not clear as it could be that he meant to say that this should be for his general expenses. And even though he did not say this, it could still be that this was his intention and he just did not have a chance to finish his words.

The Gemara now explains its question:	
Do we say	מי אמרינן

not have to give everything as tzedakah, as this halacha is true with regard to peah as well.

One only has to give the shiur of peah and does not have to give the entire field. If so, the chiyuv to give peah is no different than the chiyuv to give tzedakah, and if yados work for peah, there should be no reason they should not work for tzedakah as well.

The Ran concludes that indeed this is the case and the Gemara’s questions with regard to peah and tzeddakah are independent of each other and the answer to one will indeed be the answer to the answer to both. And the reason that the question is asked with regard to both of them is not because they are being asked in an אמ תמצא לומר but rather each question was asked independently of the other.

Are There Yados with Regard to Hefker?

since
there is a hekesh to korbanos
as it is written (Devarim 23:24)
“With your mouth”
and this refers to tzedakah
And as such we should say:
Just like korbanos
has a yad
so too tzeddakah
has a yad
or maybe
regarding (only) the lav of ‘bal t’acher
there is a hekesh

כּיּוֹן
דְּאִיתְקַשׁ לְקֹרְבָנוֹת
דְּכִתִּיב
בְּפִיךָ
זוֹ צְדָקָה
מִה קֹרְבָנוֹת
יֵשׁ לָהֶן יָד
אִף צְדָקָה
יֵשׁ לָהּ יָד
אוֹ דְלִמָּא
לְבַל תֵּאַחֵר
הוּא דְאִיתְקַשׁ

The continuation (ibid. 24) of the parsha that was mentioned previously with regard to the lav of ‘bal t’acher’ says the following מוֹצֵא שְׂפָתֶיךָ תִּשְׁמֹר וְעִשִׂיתָ כְּאֲשֶׁר נִדְרַתְּ לַה' אֲלֶיךָ וְנָדָה אֲשֶׁר דִּבַּרְתָּ בְּפִיךָ “What will come out of your mouth, you should watch (do), and you should do as your neder that you made to Hashem your G-d, a gift that you spoke with your mouth.”

As previously mentioned, the Gemara in meseches Rosh Hashana explains that each word of this posuk refers to a different halacha. The Gemara there tells us that the word בְּפִיךָ “Your mouth” refers to tzeddakah.

The actual posuk refers to the korbanos that a person promises to Hashem and tells us that a person should not delay in bringing these korbanos.

This leads to the Gemara’s question. Do we say that the hekesh is only with regard to the actual subject of the posuk, i.e., the lav of not delaying what you obligated yourself to do (that is, the same way you should not delay in bring your korbanos, you should not delay in giving your tzeddakah)? Or do we say that the hekesh compares tzeddakah to korbanos with regard to yados as well?

37 What Difference Does It Make it is Hefker or Not?

One could ask that seemingly there is no difference if there are yados with regard to hefker or not. Even if the halacha of yados will not make his declaration of hefker effective, what difference will this make? If this person is agreeable to let people take his possessions, why would we need his declaration to work?

The answer is that hefker is patur from terumos and maaser, and as such, this could be the halachic ramification of his maaser taking effect or not? Additionally, it could be that that this question is relevant to if this person could change his mind or not.

³⁸ Why is there No Question with Regard to Shevuos?

The Gemara does not answer its question with regard to tzedakah and continues to its next question.

(Is) there a yad to hefker
or maybe
there is no yad for hefker

יֵשׁ יָד לְהֶפְקֵר
אוֹ דְלִמָּא
אִין יָד לְהֶפְקֵר^{38 37}

The Gemara asks:
(But) this is tzeddakah

הֲיִינוּ צְדָקָה

The Gemara asks that seemingly there is no difference between the case of tzeddakah and hefker, and as such, whatever the answer for tzeddakah is that should be the answer for hefker as well. And if so, there would seem to be no reason why we would have to ask a separate question with regard to hefker.

Tosefos explains that they are thought to be similar because typically the reason why someone makes something hefker is in order that the aniyim should come and take it. Therefore, since these two questions are the similar to each other, their answers should be the same as well and therefore there should be no reason why the Gemara should have to ask a separate question with regard to hefker.

The Gemara answers:
“If you want to say”
he (Rav Pappa) is saying
If you want to say
(that) there are yados to tzeddakah
(for) there is no hekesh
that goes halfway
(which regard to) hefker
do we say
this is tzedakah
or maybe
tzeddakah is different
for tzeddakah is not fit
only for aniyim
but hefker (is fit)

אִם תִּמְצָא לומר
קָאמר
אִם תִּמְצָא לומר
יֵשׁ יָד לְצְדָקָה
דְּאִין הֵיקֵשׁ
לְמִחְצָה
הֶפְקֵר
מִי אִמְרִינוּ
הֲיִינוּ צְדָקָה
אוֹ דְלִמָּא
שְׂאֵנִי צְדָקָה
דְּצְדָקָה לֹא חִזְיָא
אֶלָּא לְעֵנֵימִים
אֲבַל הֶפְקֵר

The Gemara asks with regard to many different halachos if yados are effective or not. And yet, it would seem that the Gemara left out the most obvious case that needs to be asked. What is the halchaha with regard to shevuos? Do they or don’t they have yados?

The Ran answers that the Gemara does not ask this as the answer is obvious as there is an open (as opposed to just a drasha) hekesh between nedarim and shevuos, as the posuk (Bamidbar 30:3) says הַשְׁבַּע שְׁבַע אוֹ הַשְׁבַּע לֵה' יָדֵי נֶדֶר לֵה' אִישׁ כִּי יָדֵי נֶדֶר לֵה' אוֹ הַשְׁבַּע שְׁבַע.

for both aniyim
and rich people

בין לעניים
בין לעשירים

The Gemara answers that the question if there are yados with regard to hefker depends on the answer to the question of yados with regard to tzedakah.

That is, do we say that just like there are yados with regard to tzedakah (since there is no ‘halfway hekesh’³⁹), there are yados with regard to hefker as well?

Or do we say that there is a difference between tzedakah and hefker. That perhaps there are only yados with regard to tzedakah because tzedakah is only for aniyim (and as such it is easier to ‘make’ tzedakah), as opposed to hefker which is for both the rich and the poor.

In other words, if there are no yados with regard to tzedakah, there are definitely no yados with regard to hefker. And if there are yados with regard to tzedakah, we then have the question if hefker has yados as well.

Are there Yados with Regard to the Designation Bathrooms?

The Gemara once again does not answer its previous question and continues with a different halacha.

Ravina asked
are there yados for a bathroom
or not

בעי רבינא
יש יד לבית הכסא
או לא

The Ran explains that if there are yados for a bathroom, then if a person uses a yad to create (i.e., designate) a bathroom, this place will have the status of a ‘halachic bathroom’ and as such, it would be assur to say Krias Shema in that place (the Gemara will shortly discuss this concept of designating a place as a bathroom before it has been used).

What is the case
if you say
that the (person) said
“this house
should be a bathroom
and this one also”
this one (the second place)
should (certainly) be a bathroom

היכי דמי
אילימא
דאמר
הדין ביתא
ליהוי בית הכסא
והדין נמי
הוא
בית הכסא נמי הוה

The Gemara’s question is as it has been asking all along. That if the person used the word ‘also’ this would clearly indicate his intent, and as such, what he said should not be considered as just a yad but rather it should be considered as a full declaration of what he wants to do.

The Gemara answers:

Rather for example
that he said “and this one”
and he did not say also
what (is the halacha)

אלא כגון
דאמר והדין
ולא אמר נמי
מאי

This that he said “and this one”
(does he mean to say) and this one also
should be a bathroom
or maybe
what does it mean “and this one”
for general usage

הדין דאמר
והדין נמי
בית הכסא
או דלמא
מאי והדין
לתשמישא בעלמא קאמר

The Gemara points out:

This (question) implies
that it was obvious to Ravina
that there is ‘hazmana’ (designation)
with regard to a bathroom

מכלל
דפשיטא ליה לרבינא
דיש זימון
לביית הכסא

Ravina’s question is only with regard to whether there are yados with regard to a bathroom or not. This question clearly implies that if there are yados, then the mere designation of this place as a bathroom would be enough to make it as such (and certainly if he would say explicitly that this place should be a bathroom, it would get the status of a bathroom with his designation).

However, this is a chiddush. After all, why should he be able to do so? Why should his mere declaration of his intent have the ability to change the status of this place? (This sugya is known as *Is hazmana* (designation) something or not, i.e., does designating something give it the status of that thing (place).

From Ravina’s question, we see clearly that he holds that one can designate a place to be a bathroom, and if one does so, it will have the status of a bathroom.

³⁹ If there is No ‘Halfway-Hekesh’, What is the Gemara’s Question?

The Ran explains that although typically we do not make a hekesh halfway, our Gemara is asking that perhaps in this case it is different as the halacha of

tzedakah is not spelled out explicitly in the posuk, and as such, perhaps the rule that there is never a half-way hekesh should not apply.

And on this the Gemara asks:

But this was a question	וְהָא מִיבְעִינָא לֵיהּ
to Ravina (i.e., he asked this question)	לְרַבִּינָא
if one designates (a place)	הַזְמִינוּ
as a bathroom	לְבֵית הַבְּסָא
what is the halacha	מַהוּ
(or) if one designates (a place)	הַזְמִינוּ
as a washhouse	לְבֵית הַמְּרִחָץ
what is the halacha	מַהוּ
does hazmana help	זִימֹן מוֹעִיל
or does hazmana not help	אוּ אִין זִימֹן מוֹעִיל

From this question we see that Ravina himself was not sure if hazmana helps at all. If so, how could he then go ahead and ask with regard to yados?

The Gemara answers:

Ravina	רַבִּינָא
one from one	חֶדְא מְגוּ חֶדְא
he was asking	קְמִיבְעִינָא לֵיהּ
(that is, he was asking) does hazmana help	זִימֹן מוֹעִיל
or does hazmana not help	אוּ אִין זִימֹן מוֹעִיל
(and) if you will say	אִם תִּמְצָא לומר
there is hazmana	יֵשׁ זִימֹן
(we come to the next question of) is there	יֵשׁ
a yad (for hazmana)	יָד
or is there no yad (for hazmana)	אוּ אִין יָד

To all of the Gemara's questions with regard to if there are yados or not, the Gemara says:

"Let it be asked to you" וְתִבְעִי לֵיהּ

This is the Gemara's way of saying that these questions have no answer (that we know of), and as such, they have to be left for the time of Mosiach. Tosefos explains that these words are similar to the word תִּיקוּ that we find all over Shas (and this is another example of what the Rishonim tell us משוּנָה הִיא – "The language of (meseches) Nedarim is different (than the rest of Shas)."⁴⁰

**Understanding the Shita of R' Akiva Regarding Someone
Who Says מְנוּדָה אֶנִּי לָךְ**

The Mishna said:

(If a person says) "I am menudah מְנוּדָה
to you" etc. אֶנִּי לָךְ וְכוּ'

The Mishna continues and says that if a person says this, then R' Akiva was machmir. And on this Abaya comments:

Abaya said	אָמַר אַבְיָי
R' Akiva agrees	מוּדָה רַבִּי עֲקִיבָא
with regard to malkus	לְעִנְיַן מַלְקוּת
that he does not get malkus	שְׂאִינוּ לוֹקָה
for if so (that is, if he would hold that there is malkus)	דְּאִם כֵּן
let the Mishna say	נִיתְנִי
that Reb Akiva was machmir	רַבִּי עֲקִיבָא מַחְמִיר

Malkus can only be given to someone who definitely transgressed his neder. Therefore, if R' Akiva would hold that the words מְנוּדָה אֶנִּי לָךְ create a bona-fide neder, the Mishna should have said so.

That is, the Mishna should have said that in the case of someone saying מְנוּדָה אֶנִּי לָךְ, Reb Akiva was machmir. But that is not what the Mishna says. The Mishna says that he had a sofek

⁴⁰ What is the Halacha with Regard to All These Cases?

All of the questions of the Gemara remain unresolved and the Ran will explain what the halacha is in each one of them.

Kiddushin – The Ran explains that in this case you have to go l'chumrah similar to every sofek M'Dorayisa that you have to be machmir.

Peah and Tzedakah – The Ran brings from several Rishonim that in these two cases as well the halacha is that one has to be machmir, similar to every sofek issur that one has to be machmir.

The Ramban brings an additional point to explain why with regard to tzedakah one must go l'chumrah. This is based on what the Rambam holds that any time the Gemara says אִם תִּמְצָא לומר, we hold like the לומר. Therefore, since the Gemara said אִם תִּמְצָא לומר tzedakah has yados..., we paskan (hold) that tzedakah does have yados.

On the first point that the Rishonim say that the sofek regarding peah and tzedakah is l'chumrah similar to every sofek, the Ran vehemently disagrees. The Ran goes to great lengths to show that in reality the question if you owe gifts to the poor, is in reality a monetary question, that is, does the money belong to the baal habayis or does it belong to the aniyim. And just like in any other monetary dispute, the one demanding the money has to prove his case, so too regarding peah and tzedakah. Since it is the aniyim who are trying to take the peah and

tzedakah away from the bal habayis, they are the ones who have to prove that they are owed the money, and until they do so, the bal habayis will not have to give it to them.

In other words, in a case that the Torah says to give money to someone else, is this viewed a monetary chiyuv, or is it just like every other mitzvah that happens to involve giving money to another person?

This is the machlokes the Ran and the other Rishonim. The Ran does concede however, that with regard to tzedakah it could be that you have to be machmir, not because it is a sofek issur but because of the rule of the Rambam that we always go like the לומר.

Hefker – Regarding hefker, the Ran says there is no doubt that you are able to be maykil (lenient) as this is definitely only a monetary discussion, and as such, the people trying to take this person's money will not be able to do so unless they can prove that it belongs to them.

Bais Hakisay - Regarding using yados to designate an area as a bathroom, the Ran says that in this case you can definitely be maykil as the whole concept of hazmana with regard to a bathroom is only M'Drabbanan, and as such, just like in every sofek M'Drabbanan you can be maykil, in this case as well you will be able to be maykil.

(doubt) and that is why he was machmir. Therefore, since R' Akiva was not certain of the validity of this neder, R' Akiva would also have to hold that his person does not receive malkus for transgressing this neder.

The Shita of R' Akiva and the Chachamim Regarding Someone Who Says מְשַׁמְתֵּנָא מִיָּדָךְ, מְנַדְּהָ אֲנִי לָךְ, בְּנִדְיָנָא מִיָּדָךְ, or מְנַדְּהָ אֲנִי לָךְ.

From the fact that the Mishna said that it was R' Akiva who was machmir in the case that someone says מְנַדְּהָ אֲנִי לָךְ, implies that the Chachamim disagree and they hold that saying מְנַדְּהָ אֲנִי לָךְ definitely does not create a neder. R' Pappa will now discuss various cases and tell us in which ones there is a machlokes and in which ones there is not a machlokes.

R' Pappa said

(if someone says I) am in a state of 'nadina'

from you

everyone

does not argue

אָמַר רַב פָּפָא

בְּנִדְיָנָא

מִיָּדָךְ

דְּכֹלְיָ עֲלֵמָא

לֹא פְלִיגִי

that he is assur (i.e. it is a good yad)

(but if he says) "I am excommunicated from you"

according to everyone he is mutur

דְּאָסוּר

מְשַׁמְתֵּנָא מִיָּדָךְ

לְכֹלְיָ עֲלֵמָא שְׂרִי

The Ran explains that the term בְּנִדְיָנָא מִיָּדָךְ has the connotation of separation, and as such, this person is saying "I should be separated from you", i.e., an expression of a neder. The Ran points out that this is only true if he adds the words "from what I will eat from you", similar to what we said previously that the expressions of the Mishna (מוֹפְרָשְׁנִי מִמֶּךָ וכו') are only valid if these words are added.

The Ran continues and explains that the word "you are excommunicated from me" do not have the connotation of neder, and as such, they will not work even if the words "from what I will eat from you" are added.

These are the two expressions that R' Pappa is telling us there is no machlokes. The Gemara continues and says:

With what do they argue

בְּמַאי פְּלִיגִי

Nedarim 7b

R' Pappa tells us that the machlokes between R' Akiva and the Rabbanan is only in the case that the person said:

“I am menudah to you”	בְּמִנּוּדָה אֲנִי לָךְ
that R' Akiva holds	דְּרַבִּי עֲקִיבָא סָבַר
this is an expression of separation	לִישְׁנָא דְנִידוּיָא הוּא
and the Rabbanan hold	וְרַבְנָן סָבְרִי
it is an expression	לִישְׁנָא
of excommunication	דְּמִשְׁמַתְנָא הוּא

The Ran explains that R' Akiva holds that the word ‘menudah’ is an expression of distance and separation, similar to this that Targum explains the word niddah to mean separation (that is, the separation between a niddah and her husband). The Chachamim however hold that the word is related to the word nidui, which connotes excommunication, and as such, is not a yad for nedarim.

The Gemara continues and tells us that although R' Pappa holds that if the person would say מִיָּדְךָ מִשְׁמַתְנָא – (I am) excommunicated from you, then everyone would agree that this is not an expression of a neder, not everyone agrees that in this case there is no machlokes as we see from the following story.

(And this, what R' Pappa said) argues	וּפְלִיגָא
on R' Chisda	דְּרַב חֲסִידָא
as there was a man	דְּהָהוּא גְבֵרָא
that said	דְּאָמַר
“(I) should be in nidui	מִשְׁמַתְנָא
from the possessions	בְּנִכְסֵיהָ
of the son	דְּבָרֶיהָ
of Rav Yirmiyah bar Abba”	דְּרַב יִרְמְיָה בַר אַבְבָּא
(and) he came before	אַתָּא לְקַמֵּיהָ
Rav Chisda	דְּרַב חֲסִידָא
and he (Rav Chisda) said to him	אָמַר לֵיהָ
there is no one who is concerned	לִית דְּחָשׁ לָהּ
with this (shita) of R' Akiva)	לְהָא דְרַבִּי עֲקִיבָא
(from this story we see that) he holds	קָסָבַר
(that)regarding (an expression of) nidui	בְּמִשְׁמַתְנָא
they (also) argue	פְּלִיגִי

This person had made a neder using an expression of nidui (excommunication) and R' Chisda said that in spite of this, the person is still mutur because we are not concerned with shita of R' Akiva.

What is clear from Rav Chisda’s words is that although he was now saying that this is mutur, R' Akiva would indeed argue and hold that it is assur. Or in other words, although R' Pappa had said that R' Akiva would agree in this case, Rav Chisda argues with this, and Rav Chisda holds that even in this case R' Akiva would hold that indeed it would be assur.

Do You Have to be In Front of the Person When You are Matir His Nidui?

R' Ilah said	אָמַר רַבִּי אֵילָא
that Rav said	אָמַר רַב
if you place someone in nidui	נְדָהוּ
in front of him (i.e. in front of the person being placed in	בְּפָנָיו
in front of him)	נִידוּי)
you cannot be matir him	אֵין מְתִירֵין לוֹ
only in front of him	אֵלָא בְּפָנָיו
(but) if you placed him in nidui	נְדָהוּ
not in front of him	שְׁלֵא בְּפָנָיו
you can be matir him	מְתִירֵין לוֹ
whether he is in front of him	בֵּין בְּפָנָיו
(and) whether he is not in front of him	בֵּין שְׁלֵא בְּפָנָיו

The Punishment for Someone Who Speaks Out the Name of Hashem in Vain

Rav Chanin said	אָמַר רַב חֲנִין
that Rav said	אָמַר רַב
one who hears	הַשּׁוֹמֵעַ
the name of Hashem	הַזְכָּרַת הַשֵּׁם
from the mouth of his friend	מִפִּי חֲבֵירוֹ
he needs	צָרִיךְ
to put him (i.e., his friend) in nidui	לְנִדּוּתוֹ
and if he does not put him in nidui	וְאִם לֹא נִידָהוּ
he himself (i.e. the one who heard it)	הוּא עֲצֻמוֹ
will be in nidui	יְהֵא בְּנִידּוּי

The Punishment for Mentioning the Name of Hashem in Vain (the comparison between a poor person and a dead person)

A person who hears someone else say the name of Hashem in vain and does not respond deserves to be punished as this person has ignored something that has terrible consequences, as the Gemara will now explain.

For in any place
that the mention of (Hashem's) name
is found there
poverty is found
and poverty is similar to death
as it says (Shemos 4:19)
"For all of the men of died"

שָׁפַל מְקוֹם
שֶׁהִזְכֵּרְתָּ הַשֵּׁם
מִצוּיָה שָׁם
עֲנִיּוּת מִצוּיָה
וְעֲנִיּוּת כְּמִיתָה
שֶׁנֶּאֱמַר
כִּי מֵתוּ כָּל הָאָדָמִים

The Ran explains that the way we know that poverty is found in the place that Hashem's name is mentioned in vain, is from the posuk in Shemos (20:21) that tells us that in any place that Hashem mentions his name, bracha will come (בְּכֹל הַמְּקוֹם אֲשֶׁר (אֲזַכִּיר אֶת שְׁמִי אֲבוּא אֶלְיָךְ וּבְרַכְתִּיךְ). If so, the inverse is true as well. If Hashem's name is mentioned in vain, this will cause poverty to strike.

After Moshe Rabbinu killed the Mitzri, he had to flee to Midyan as the people who saw him kill the Mitzri threatened to tell Pharoh about what he had done.

At a later point, the posuk tells us that Hashem told Moshe that he should return to Mitzrayim as it was now safe to do so, as the men who would inform on him have already died. But how could the posuk say this? The men referred to in the posuk were Doson and Aviram and they were still alive at that point. We know that they were alive as we find that they were involved with the machlokes of Korach. If so, how could the posuk say that they had died if in reality that had not died?

The answer must be that when the posuk says that they were now dead, it doesn't mean to say that they were actually dead but

rather it means that they had become poor, and poor people are considered as dead.⁴¹

The Gemara brings another example of how poverty and death are compared to each other.

And we learned in a Baraisa
any place
that the Chachamim place their eyes

וְתִנְיָא
כָּל מְקוֹם
שֶׁנִּתְּנוּ חֲכָמִים עֵינֵיהֶם

That is, if they look at someone badly as a result of that person doing something wrong, the result of this is:

Either death
or poverty (will come on that person)

אוּ מִיתָה
אוּ עוֹנֵי

From that fact that either poverty or death could come for the same action, shows us that indeed they are the equivalent of each other.

Being Matir Nidui – Does it Need to be in Front of the Person? Can You be Matir it Immediately Afterwards?

R' Abba said
I was (once) standing
before Rav Huna
that he heard a certain woman
that uttered
the mention of the Name in vain
(and) he put her in nidui
and he was matir her immediately
in front of her

אָמַר רַבִּי אַבָּא
הָיִהוּ קְאִימְנָא
קַמֵּיהּ דְּרַב הוּנָא
שֶׁמְעָה לְהָךְ אִיתְתָּא
דְּאִפְקָה
הִזְכֵּרְתָּ הַשֵּׁם לְבִטְלָה
שֶׁמִּתָּה
וּשְׂרָא לָהּ לְאַלְתֵּר
בְּאַפָּה

From this story the Gemara says:

We see from here three (halachos)
we see from here

שָׁמַע מִינָה תְּלָת
שָׁמַע מִינָה

⁴¹ How Do We Know that they Became Poor and Not One of the Other People Who Are Considered as Dead?

The Gemara tells us that it must be that a poor person is considered as a dead person, because if not, how will we understand the posuk that says that Doson and Aviram were dead when they really weren't. The Gemara understands that the intent of the posuk is not to say that they actually died but rather that they were considered as dead as they had lost their money.

The problem is that the Gemara tells us that there are other people who are also considered as dead (those who are blind, those who are a metzora, and those who do not have children), and if so, maybe Doson and Aviram were in one of those categories of people and that was why they were considered as being dead.

The Ran explains that this could not have been the case. That although it is true that there are other categories of people who are considered as dead, this cannot be what the posuk is referring to.

He explains that they could not have been blind because during Korach's rebellion (Bamidbar 16:14), they told Moshe that they would not go with him even if Moshe would poke out their eyes. If so, we see that they were obviously not blind.

The Ran continues and points out that one cannot say that perhaps they blind when Hashem told Moshe to go back to Mitzrayim, but they were cured at Har Sinai. The Ran says that this cannot be because even if though it was true

that everyone was healed at Har Sinai, the sickness of all of these people came back during the avayra of the aigel (golden calf).

And if cannot be that they were considered as being dead on account of being a metzora, because the posuk (Devarim 11:6) tells us that as a result of being part of Korach's rebellion, they died in the middle of the Machnah Yisroel. If so, it must be that they were not a metzora, because if they were a metzora they would not have been allowed to be in the Machnah Yisroel as a metzora is sent out of the camps.

And it cannot be that they were considered as being dead on account that they did not have children, because even if it would be true that they were considered dead, why would this allow Moshe to return to Mitzrayim. The reason Moshe fled was because Doson and Aviram would report him to the Egyptian authorities. And if so, what difference would it make if they had children or not? The fact that they would be childless would seem to have no bearing on their ability to influence the authorities to punish Moshe.

The Ran concludes that the Gemara understood that the only possibility to explain the posuk is that they lost their wealth. And once Doson and Aviram would be downgraded to being paupers, we understand very well why their word would no longer carry any weight to the Mitzrim.

one who hears the mention of the Name
from the mouth of his friend
needs to put him in nidui
and we see from here
that one who puts someone in nidui
in front of him (i.e., in front of that person)
we are not matir him
only in front of him
and we see from here
there is nothing (i.e., there doesn't need to be time)
between the nidui
and the hafarah (the act of making it mutur)
and it is nothing (he can be matir him immediately)

הַשׁוֹמֵעַ הַזְכָּרַת הַשֵּׁם
מִפִּי חֲבֵירוֹ
צָרִיךְ לְנִדּוּתוֹ
וְשָׁמַע מִיָּנֵה
נִדְהוּ
בְּפָנָיו
אִין מַתִּירִין לוֹ
אֶלָּא בְּפָנָיו
וְשָׁמַע מִיָּנֵה
אִין
בֵּין נִדּוּי
לְהַפְרָה
וְלֹא כְּלוּם

This is obvious (why should he not be allowed to do his own hafarah)

The Gemara answers:

'You could have said' (that we apply the rule that) a prisoner cannot free himself from the bais haissurim (jail) this comes to teach us (otherwise)⁴³

מֵהוּ דְתִימָא
אִין חֲבוּשׁ מַתִּיר עַצְמוֹ
מִבֵּית הָאִסּוּרִין
קָא מְשַׁמַּע לוֹ

The Gemara asks:

What is the case
Why would a talmid chacham put himself in nidui and at once be matir it? That is, if he plans on being matir himself, why would he put himself in nidui in the first place?

הִיכִי דְמִי

The Gemara answers:

Like this (story) with Mar Zutra Chasida
When a talmid (student) of the Yeshiva would become obligated in nidui
he (Mar Zutra Chasida) would first put himself in nidui⁴⁴

כִּי הָא
דְמַר זוּטְרָא חַסִידָא
כִּי מַחֲיִיב בַּר בֵּי רַב
שֶׁמַּתָּא
מְשַׁמֵּית נַפְשֵׁיהּ בְּרִישָׁא
הִנְדוּתוֹ

and (only) then
(would) he put the yeshiva student in nidui
and when he (Mar Zutra Chasida) would go up to his house
he (Mar Zutra Chasida) would be matir himself
and then be matir him (the talmid)⁴⁵

וְהָדָר
מְשַׁמֵּת בַּר בֵּי רַב
וְכִי עָיִל
לְבֵיתוֹ
שָׂרֵי לְנַפְשֵׁיהּ
וְהָדָר שָׂרֵי לֵיהּ

cannot free himself from his own nedarim but he can free himself from his own nidui.

44 Why Would He First Put Himself in Nidui?

The Rosh and Tosefos explain that he would first put himself in nidui: either to make sure that he would not forget to be matir the talmid, or it was because since he was putting a talmid of the yeshiva in nidui, this might have been considered an affront to kavod HaTorah, and as such, he would first put himself in nidui to act as a kapparrah (atonement) for what he was doing.

45 Why Would He First be Matir Himself Before Being Matir the Talmid?

The Rishonim explain that when he would go up to his house, he would first be matir his nidui in order that his family members would not have to stay away from him. And then he would be matir the talmid in accordance with the expression that says שיבא הזכאי ויכפר על החייב – That the one who is 'good' should come and bring a kapparrah for the one who is still chayiv.

Are a Nidui's Family (wife) Assur to be Next to Him?

The Rishonim bring that the reason he would be matir his nidui before going into his house was in order that the members of his household would not have to be careful around him. The Ran points out that from here we see that when a person is in nidui, he is assur not to just the general populace but even to his own family.

From this story we three halachos with regard to someone who hears someone else mention the name of Hashem in vain.

1. He must put that person in nidui.
2. But he is allowed to be matir it immediately afterwards.
3. The hafarah (annulment) on this nidui must be done in front of the person that was put into nidui.

Can a Person be Matir Himself? (The Halacha and the Case)

Rav Gidel said that Rav said
a talmid chacham
can put himself in nidui
and he can be mafir for himself

אָמַר רַב גִּידֵל אָמַר רַב
תַּלְמִיד חַכָּם
מְנַדֵּה לְעַצְמוֹ
וּמִיפֵר לְעַצְמוֹ⁴²

The Gemara asks:

42 When Can a Talmid Chacham Be Matir Himself?

The Ran brings the Rashba that says that even though our Gemara says that a talmid chacham can be matir himself, this is only in a case that he was not really chayiv nidui and only put himself in nidui voluntarily.

This is the case of our Gemara. The reason that he put himself in nidui was only out of the kavod he had to the yeshiva student. But in a case that a talmid chacham was really chayiv in nidui, he would not have the power to be matir it.

On this the Ran asks that if so, how could the Gemara ask that this halacha is obvious. According to the Rashba it certainly isn't, as it is only in certain cases that the talmid chacham has the right to be matir himself. And indeed, in the typical case of a talmid chacham being in nidui, the talmid chacham cannot be matir himself.

The Ran says that from the Gemara's question we see that the talmid chacham does have the ability to be matir himself under any circumstance. The Ran then brings that there are those who have a different girsa (text) of our Gemara, and in their text, the question of this halacha being obvious is left out. The Ran concludes that according to this girsa, the shita of the Rashba is understandable.

43 The Halachic Ramifications of Saying 'A Prisoner Cannot Free Himself'

The Gemara said that one could have thought that a talmid chacham cannot be matir himself similar to a prisoner who cannot free himself from jail. And indeed, this expression is not just a nice thought, but it is used in halacha. The Rosh brings the Gemara in Chagigah (10a) that tells us that a talmid chacham cannot be matir his own nedarim, as a prisoner cannot free himself from his own jail. That is, the chiddush of our Gemara is that although a talmid Chacham

And Rav Gidel said
that Rav said

ואמר רב גידל
אמר רב

The Ran then brings the Rashba that holds that this is not true with regard to his wife. A nidui is mutur to his wife as אשתו כגופו – a wife is considered as him.

The Rashba proves this from the fact that the Gemara in meseches Moed Katan asks if a person his allowed to have marital relations with his wife. The Rashba says that from here we see that it must be that a nidui's wife is allowed to be around him because if not, the Gemara's question would obviously be regarding a moot point. Even if in theory marital relation would be mutur to a

However, the Ran disagrees and says that this is not a valid proof. There is a concept of person not being totally in nidui but only being in nidui regarding a

particular city. And if so, if his wife is not from that city, she would be allowed to be around him and to have marital relation with him, but only if a person in nidui is not assur to have marital relations (the Ran is assuming that if a nidui is assur to have marital relations, then this issur would even include a nidui that is not a full-fledged nidui but only a nidui regarding a particular city. This is true, because if a person in nidui would be assur to have marital relations, then the issur would be an 'issur gavra' an issur on the person. That is, it would mean that the issur of having relations is an issur for this person to benefit from the act of having relations, and has nothing to do with the person that he is having relations with).