

שבת קודש פרשת וישלח | מסכת נדרים דף ז'

INSIGHTS FROM OUR CHABUROS

A less than specific expression
(יד) in the realm of Tzedakah

יש יד לצדקה או אין יד לצדקה

The Gemara is in the midst of a series of inquiries regarding the legal status of a statement which provides a strong indication of intent of the speaker, but it does leave room for various interpretations. These are called ידות. Are these legally binding, even though the speaker is not fully explicit regarding his intentions? The question on our daf is whether such an expression is valid regarding tzedakah.

Rashba learns that the questions here are sequential. In other words, if we would resolve the previous question in reference to פאה in the affirmative, and that an expression lacking in specificity is adequate in designating a furrow as פאה, perhaps this is only in reference to פאה, which is scripturally associated to the קרבנות (via היקש). What, however, is the halacha regarding tzedakah? And even if one might argue that פאה itself is a form of tzedakah, there still is room to argue and differentiate. פאה is obligatory, so even a flimsy expression might be adequate, whereas any particular gift of tzedakah is optional, and perhaps a more substantial expression is necessary.

ר"ן writes that the question regarding פאה and that of tzedakah were asked independently, and the questions are parallel.

Shita Mikubetzes asks why should a יד involving tzedakah not be adequate. Once the person has decided in his mind to give the money, his commitment is binding (שבועות כו) and any expression he uses should be enough to express the intent he has in his heart. He answers that our Gemara is probing whether or not the person has, in fact, decided in his heart whether to give the tzedakah, and we are analyzing how to interpret his flimsy expression. The Gemara in שבועות is discussing a case where we know that the person has decisively decided to give the tzedakah. In that case, his intent is binding (according to that opinion).

Rabbi Akiva Eiger (Teshuvos 5:68) explains that even if we say that the person's decision in his heart constitutes a commitment, the question in the Gemara is whether there is a יד for tzedakah, and the person is to fulfill his statement (מוצא שפתיך), and we can compel him to do so (כופין), or is the statement meaningless, and we could not force the person to fulfill his words.

POINT TO PONDER

The Gemara asks if there is יד לצדקה, which means that his words would bind him to give the צדקה if צדקה יש יד לצדקה. Even if אין יד לצדקה isn't he obligated to give what he made up in his mind to give?

Response to last week's Point to Ponder:

The משנה מעשר שני פרק ז' writes that there is no need to say anything in order to be מקדש a woman: דתנן היה מדבר עם אשה על עסקי גיטה וקידושיה: ונתן לה גיטה וקידושיה ולא פירש ר' יוסי אומר דיו. Since we see that even if a person doesn't say anything the קדושין is valid since it is clear from the circumstances that he wants to marry this woman, how can there be a question with regards to whether יד לקידושין?

Although it is not necessary to make a specific statement, if a statement was made it must be unambiguous. In the case of them discussing getting married, there is no doubt regarding their intentions.

STORIES OF THE DAF

Mar Zutrah Chasidah

משמית נפשיה ברישא

Today's daf tells of Mar Zutrah Chasidah, the pious. When he was required to put one of the students in the beis medrash in ידיו he would first place himself in ידיו and only then put the student in ידיו. The Ran comments that he was called a chasid since what he did is a נודת חסידות, goes above and beyond the letter of the law. The Klausenberger Rebbe, zt"l, would cite this as a source for the words of the Ba'al Shem Tov, zt"l: "If you see something bad in your friend it is a sign that you have the same problem on some level. What one perceives in one's fellow Jew is like looking into a spiritual mirror and should be taken as a heavenly hint to improve."

Rav Aharon of Belz, zt"l, was very particular not to see anything negative in another Jew. Once, when he was still Rav in Belz, a chossid came before him and claimed in a self-righteous manner that a certain barber had violated the Shabbos. He was certain of this because he had seen with his own eyes the barber closing his shop well after nightfall on Friday night.

The Rav called the barber to him and questioned him thoroughly. In his questions, he tried to convince the barber that it had really been an accident. "Surely you didn't notice that it was already dark?!" The barber admitted this, agreed that it was an oversight, and said he was sorry. The Rav then said to the barber, "Since you accidentally left your shop open on Shabbos, you must give a Rotel of candles to the Beis Medrash to atone for your sin."

He then turned to the chasid, "As for you... In order to atone for having seen this man profane the Shabbos, you must give two Rotel of candles." The Rav continued, his voice charged with emotion, "And as for me, I must give five Rotel to atone for the fact that in my city a man violated the Shabbos in such a blatant manner!"

HALACHA HIGHLIGHT

Reading the Name of
Hashem

אמר ר' חנין אמר רב השומע הזכרת השם פמי חבירו
צריך לנדותו

R' Chanin said in the name of Rav one who hears his friend say the name of Hashem must place him in ידיו.

Shulchan Aruch¹ rules that it is permitted to teach children how to recite berachos even with the name of Hashem and this is permissible even though the child will recite the beracha needlessly. Furthermore², even the one who is teaching the child how to make a beracha is permitted to recite the name of Hashem and it is not necessary to say, "Hashem." Pri Megadim³ writes that one is permitted to recite Hashem's name even with a child who has not yet reached the age of chinuch (As far as grasping that a beracha is an expression of thanks to Hashem⁴) in order to teach him to recite berachos properly. Rav Moshe Feinstein⁵ ruled that it is also permitted to recite berachos with adults who did not learn how to recite berachos when they were younger.

Mishnah Berurah⁶ rules that when an adult is learning Gemara and comes upon a beracha he should not mention Hashem's Name when studying that section. On the other hand, when one comes upon a pasuk or even a phrase from a pasuk, in the Gemara it is permitted to recite the Name of Hashem when reading that verse. Some authorities⁷ maintain that not only is it permitted to mention Hashem's name but it is also mandatory to do so. The rationale behind their position is that it is disrespectful to Hashem to mispronounce His name. Other authorities⁸ maintained the practice of not pronouncing Hashem's name while they were learning or giving drashos, even when they would recite an entire pasuk. A related issue⁹ is whether it is permitted to say Hashem's name while singing zemiros. Although it may technically be permitted since it is recited in praise of Hashem, nonetheless, Poskim oppose the practice since many times it is said without thought. Some Poskim permit the recitation of Hashem's name only when singing the ancient zemiros of Shabbos and Yom Tov.

1. שו"ע או"ח סי' רט"ו סעי' ג'

2. מ"ב שם ס"ק י"ד

3. סי' תרכ"ז מ"ז סק"א

4. ע' שו"ת יבי"א ח"ח סי' כ"ה אות ח'

5. שו"ת אג"מ ח"ב סי' נ"ו

6. מ"ב שם

7. ע' ספר פסקי תשובות ח"ב סי' רט"ו אות י' הע' 55

8. פסקי תשובות שם הע' 75

9. ע' פסקי תשובות שם אות י"ח

MUSSAR FROM THE DAF

Attuned to your
neshama

אמר רב גידל אמר רב: תלמיד חכם מנדה לעצמו, ומיפר לעצמו פשיטא?
מהו דתימא: "אין חבוש מתיר עצמו מבית האסורין", קא משמע לן

Rav Giddel said that Rav said: A Torah scholar can ostracize himself, and he can nullify the ostracism for himself. The Gemara asks: Isn't it obvious that he can nullify the ostracism for himself, just as he is able to do for others? The Gemara answers: It states this lest you say, as per the popular maxim: A prisoner cannot free himself from prison.

Rav Giddel teaches in the name of Rav that a Talmid Chacham who puts himself in nidui, can also take himself out of nidui. The gemarah concludes that despite the klal "that a prisoner can't free himself from prison", in our case a talmid chacham can "free" himself from nidui.

Why is a Talmid Chacham unique in that he is allowed to take himself out of nidui? There is a story told about Rav Yerucham Levovitz zt"l in which he was traveling to a certain town. During his stay there he was asked to give a shmuz. A big crowd gathered to hear him. By the end of the shmuz, most of the people left. When he returned to the Mir, he gave a shmuz which was fully attended all the way to the end. He asked why at the shul people left and at the yeshiva, everyone wanted to hear him? Rav Yerucham explained that the people at the other town identified with their goof so they didn't want to hear the mussar as they took it personally. While at the yeshiva, the bachurim identify with their neshama so they are fine with hearing mussar about the goof. Along those lines, a talmid chacham, who sees himself has two distinct entities, can free his goof from nidui and is not limited to the concept that a "prisoner can't free themselves"

If one can identify as a neshama and understand that the goof is a separate entity then one will won't feel the need to listen to every request of the goof. Rather one will be attuned to the ratzon of the neshama.

PARSHA CONNECTION

In this week's daf the גמרא compares צדקה to קרבנות. In פרשת וישלח we find a unique occurrence regarding קרבנות whereby Hashem actually asks Yaakov to build a מזבח and bring a קרבן. The Passuk says:

"ויאמר אלהים אלי-יעקב קום עלה בית-אל: (בראשית פרק ל"ה פסוק א')
ושב-שם ועשה-שם מזבח לאל הנראה אליך בברוך מפני עשוי אויך". Why did Hashem ask him to go to אל בית אל and build the מזבח there? Why not do so right where he is now? Secondly why was he told ושב שם? How is that relevant to bringing the קרבן? Additionally, why thank Hashem now for saving him from עשוי? The אלשיך הקדוש explains that Yaakov was very concerned for his family's safety after what happened in שכם. To alleviate his concerns Hashem told him to do 3 things. 1. Go to the place where he experienced השכינה, because that place will always have קדושה. Secondly he should follow the example of Avraham who set a special place for tefillah like the גמרא says in (ע"ב) "כל הקובע מקום (ברכות דף ו' ע"ב)". And finally, he should show his appreciation for what Hashem did with him in the past, like Avraham did. The אלשיך explains that Hashem does not help someone who doesn't thank him for what he already did for them. This is a very important concept for all of us, who constantly look to Hashem for help.