

שבת קודש פרשת וארא | מסכת נדרים דף יג'

INSIGHTS FROM OUR CHABUROS

Extending the interpretation of the words of the neder

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The Mishnah taught about the validity of a neder uttered referring to one's speech, the actions of one's hands or the walking of one's feet. Yet the Baraisa clearly rules that a neder only applies in reference to an object, and not when spoken in reference to an action. How, then, asks the Gemara, is the neder in the Mishnah valid?

Rabbi Yehuda answers that the neder in the Mishnah must be understood to be referring to the speaker's mouth, hands or feet, and not to the speech of the mouth, the work of the hands or the walking of the feet. These limbs, therefore, are tangible objects, and the neder is valid. ר"ן explains that although the actual words which the person spoke did not clearly focus on the limbs, but rather upon the actions of those limbs, we use the rule of להחמיר - vows are treated strictly, and the vow is interpreted so that it is binding. The שלמי נדרים writes that it seems from the ר"ן that the only reason we can interpret the person's words as a valid neder is that the statement contains enough ambiguity to tolerate such an implication. However, if the person would say, "I declare as a קונם the words of my mouth," the neder would be worthless, as it clearly refers to an intangible thing (speech).

ר"ן however, writes in the name of Tosafos, that once the person mentions a tangible item among his words, for example if he says, "I declare as a קונם the dwelling in a sukkah upon myself," the neder is still valid, as we gear the person's words toward the sukkah. Here, too, when the person says, "I declare as a קונם the words of my mouth," it would be valid, as the neder would relate to the person's mouth, and not to his speech. The הפלאות נדרים explains that the reason we reinterpret the words of a person and understand them as a valid neder (כאומר עשה) is that the underlying principle is לבטלה אין אדם מוציא דבריו - a person does not say words for naught. Therefore, in a case where the neder would be valid at least מדרבנן, which is the case in regard to ממש דבר, לא יחל, and the person's words would not be for naught, we do not have to say כאומר עשה. This explains the words of Rambam, Hilchos Nedarim 3:12. Rashba rejects this approach, as we recognize the neder מדרבנן in reference to an intangible thing (speech, actions of the hands, walking) only when the person prohibits such things upon himself. But when the person makes a general statement, there is no restriction upon others, even מדרבנן.

POINT TO PONDER

The Gemara says that it's a מצווה to be מקדיש בכור. How can you be מקדיש something which is already קדוש?

Response to last week's Point to Ponder:

The ר"א on the words תרומתו אהרן כחלת writes that even though it becomes אסור with his words (הפרשת חלה) it was actually אסור before as טבל and his words made the "rest" מותר. Doesn't the rest become מותר automatically and it was never אסור? Especially according to רש"י who describes טבל as קודש mixed together? His action didn't cause a change in the "rest".

The ר"א apparently learns that his words need to cause an איסור for people to use or consume a product. Here his words didn't cause an איסור for something that was previously permitted. (See חידושי רבי שמעון).

STORIES OF THE DAF

The outrageous Neder

ואלו מותרין

A certain man had a propensity to laugh when this was not appropriate. He felt like he had no recourse but to take very strong measures so as to ensure that this didn't happen since he could sometimes embarrass himself and other people. The man decided to make a neder. In order to instill within himself the fact that this was very serious he decided to use the strongest expression he could think of and ostracize himself from people if he couldn't refrain from laughing inappropriately. He proclaimed, "If I laugh again in such a manner, my bread will be the bread of non-Jews, my wine will be the wine of non-Jews, and I will separate from my fellow Jews!"

Unfortunately, the man subsequently laughed in an inappropriate manner. He asked his Rav what he should do. The Rav felt that if the man would assume the additional stringencies associated with חבירות he would be granted the neder even though he had made such a powerful declaration. However, the Rav was not an expert in nedarim so he decided to put this question before the Rosh. The Rosh replied, "Know that this man does not require annulment since this language does not imply a neder at all. As for his having declared his wine to have the status of יין נסוף, we don't attribute this heinous crime to him just because he declared that if he laughed this will be the status of his wine!"

The Rosh continued, "The source for this ruling is in Nedarim 13b which lists nedarim which do not take effect at all. The list includes one who declares that anything he eats of his friend's provisions will be considered, 'like pork, idolatry, or hides pierced to enable one to remove the heart of an animal as a sacrifice to idolatry.' The reason why this is permitted is that we learn that one must make a neder through something that is also made prohibited, not something that Hashem prohibited from the outset."

This story is yet another example of the intricacies of nedarim. It is not surprising that the Geonim refrained from permitting nedarim except for the sake of a mitzvah!

HALACHA HIGHLIGHT

**Making a declaration,
“This money is for
tzedaka.”**

דתניא משום רבי אמר מנין לנולד בכור בתוך ביתו שמצוה להקדשו וכו'

As the Baraisa teaches: It was said in the name of Rabbi how do we know that there is a mitzvah to verbally sanctify a bechor that was born in his home etc.

The Gemara makes it clear that even though a firstborn animal (בכור) is sanctified automatically, nonetheless, it is appropriate to formally declare its sanctity. Sefer Likutei Haze'evi¹ extrapolates from this that when giving tzedaka it is appropriate to declare, “I am giving this money for tzedaka.” Although the money is tzedaka without a declaration, nevertheless there is a mitzvah to make this declaration.

Rav Moshe Alshich² writes at length against those who publicly give tzedaka for their personal honor or the like. He then writes that those who have awe of Hashem in their heart and desire to give tzedaka properly, without any ulterior motive that is so despised by Hashem, should perform the following procedure. When one is aware that an appeal to the community will occur, one should consider, while still home, how much is appropriate to give to that cause without any outside influence or other factors that could lead to giving extra out of ulterior motives. Once he reaches a decision about how much he would like to donate he should set aside that amount of money and declare with great joy that this money will go towards that cause. He should then go with this money in hand to the community meeting where people are making their pledges and give the money to the treasurer who is collecting the funds.

Following this plan will allow the benefactor to donate in the most ideal fashion possible. The reason is that when he separates the money in the privacy of his own home for the sake of the mitzvah it is as if he is taking the money from Hashem's domain into his own since all money belongs to Hashem and it becomes ours when we are prepared to use it for a mitzvah. Furthermore, since the pledge was done in private he is free from outside influences that could affect the sincerity of his pledge and detract from the mitzvah. Additionally, he maximizes his mitzvah output by following this procedure since he is credited with 1) separating the funds for tzedaka, 2) transporting the funds and 3) handing the money to the treasurer.

1. ספר ליקוטי הזאבי אות תתקמ"ב.
2. תורת משה שמות כ"ה א'

MUSSAR FROM THE DAF

The neshama's boss!

חומר בנדרים, שהנדרים חלים על המצוה כברשות, מה שאין כן בשבועות.

The Gemara teaches us that a נדר can be חל on a מצווה (for example, if a person makes a נדר to assur a סוכה or לולב to themselves), but a שבועה can't be חל on a מצווה because a שבועה is on the גברא and a person is already חייב in a מצווה. Therefore, a שבועה can't take a person away from his personal obligation to do a מצווה.

What is the דין if a person says “קונם גופי לשיבת סוכה” — meaning he intends for his body to become the חפצא of the נדר? Is this situation similar to the reason why a שבועה can't assur a person on a mitzvah, and is it not חל because one's body has already been obligated at הר סיני as this would potentially take a person away from his personal חייב?

Rav Aharon Surski (תולדות יוחי יוסף, חלק ב') explains that the mouth is not obligated in the מצווה, rather the נשמה of the person is the one obligated in the מצווה. In our case as well, the physical body is not obligated in מצוות, rather it is the נשמה that is obligated. And that the physical body itself was not present at הר סיני, but rather it was the נשמה that accepted the responsibility. Therefore, in such a case, the נדר should still be חל, because the body, being separate from the נשמה, did not participate in the חר'ת at קבלה.

From this חידוש, we can understand the true relationship between the נשמה and the גוף. At הר סיני, the נשמה took on the responsibility to bring קדושה into the world through the performance of מצוות. The נשמה's role in this world is only fulfilled when the גוף is involved and performs מצוות. A person must identify with his נשמה. That is who the person is and they must therefore act accordingly. A person must act in a way that demonstrates that they are a נשמה and learn to avoid desires that come from the body which are not who the person truly is.

PARSHA CONNECTION

In this week's daf the גמרא discusses לאחר זריקת דמים which means after the blood was put on the מזבח. Besides the significance of blood in sacrifices, and the fact that it represents life, it was also chosen as the first מנחה in מצרים as we find in ופרשת וארא. The Possuk (פסוק יז) says: “כֹּה אָמַר ה' בְּזֹאת תִּדְעֶה כִּי אֲנִי ה' הִנֵּה אֲנִי מַכֶּה בַּמָּטָה אֶשְׂרֵי־בִידִי עַל־הַמִּיִּם אֲשֶׁר בִּיאֵר וְנִהְפְּכוּ לָדָם. Moshe will strike the water and they will turn to blood. Why does it say וְנִהְפְּכוּ לָדָם instead of וְהָיוּ לָדָם, meaning they will change into blood as oppose to they will be blood?

The following Possuk (פסוק יח) says: (שמות פרק ז') וְהִדְגָה אֶשְׂרֵי־בִיאֵר תַּמּוּת: Why is it necessary for the fish to die and the יאֵר to stink? What was the difference between what משה did and what the חרטומים did? The הקדוש explains that the הקב"ה didn't just turn the water in the Nile into blood but, he also turned the “source of the water” into blood, so even if someone waited for the original water to flow, the next wave was also blood, this is why it says “עַל הַמִּיִּם” meaning the source. Secondly he turned the nature of the water into blood and not just “red water” and the way that this became obvious was the fact that the fish died, because there was no drinking water. This is why it says וְנִהְפְּכוּ לָדָם and also why it says that the fish died. Additionally because the Nile stunk they knew that the fish died. Finally the חרטומים were only able to make “red water” but not to change the nature of the water.