

שבת קודש פרשת בא | מסכת נדרים דף יד'

INSIGHTS FROM  
 OUR CHABUROS

A neder or oath regarding  
 sleep

קונם שאני ישן, שאני מדבר

In the Gemara (15a), Ravina concludes that the validity of this קונם vow must refer to an object, and it results in the object's becoming prohibited upon a person. Here, the person's statement refers to sleep, which is an intangible item. The fact that the קונם is nonetheless valid is therefore rabbinic (see 13a, ר"ן, ד"ה מש שאני כן, ר"ן). Accordingly, ר"ן "learns that the accurate text in the Mishnah is where the person declared a condition of prohibition upon "קונם ישן—my sleeping," and not "קונם שאני ישן—that I will not sleep." In other words, the case in the Mishnah is where the neder was in reference to an item (his sleeping), albeit an intangible item. However, if the person prohibits the act of sleeping upon himself, this would be a neder being stated using an expression of a שבועה. In this case, the rabbis did not recognize this neder as valid, because the reference is to an action which is intangible.

Ritva, however, explains that any neder using the expression of a שבועה is no worse than ידות. The rabbis, however, only validated a neder pronounced regarding an intangible object in a case of a genuine neder, and not in a case of יד. Therefore, the case in the Mishnah dealing with sleep cannot be where the person said, "קונם שאני," where he is prohibiting the act of sleeping upon himself. This case would be valid only as a יד if it dealt with a tangible item, but in reference to sleep it has no significance even מדברבן. Therefore, Ritva explains that the correct text is "קונם שאני," which is a direct form of neder, but it is only valid rabbinically, due to sleep being an intangible.

Rambam (Nedarim 3:10) learns the Mishnah with the text קונם שאני ישן, which is a neder in form of a שבועה. Kesef Mishnah changes the text in the Rambam throughout to שאני obviously based upon the concern of Ritva. The שער המלך, however, explains that Rambam holds like Tosafos (5b, ד"ה וליתני, ד"ה וליטני), that whether the person said שאני or if he said שאני both are expressions of neder. The only case which is a case of שבועה is where the person states "I will eat," or "I will not eat."

PARSHA CONNECTION

In this week's daf the גמרא discusses a person who says I won't sleep today if I sleep tomorrow למחר. קונם עיני בשינה היום אם אישן למחר. He is conditioning what he will do tomorrow on what he will do today. In the פרשה, we find that משה רבינו told Paroh as follows: כי אם-מאן אתה לשלח את-עמי הנני מביא מחר ארבה בגבולך (שמות פרק י', פסוק ד'). If you don't let my people go, I will tomorrow bring grasshoppers on your territory. Why did he promise to do it tomorrow? Why not right away. Also why does it say "בגבולך" as opposed to other times where it says במצרים? The מדרש רבה explains that Paroh was given a day as an opportunity to do תשובה, which is why he said מחר. This shows us the incredible patience that הקב"ה has, even for רשעים. To understand the full extent of the וחסה את-עין הארץ (שמות י' ה) possuk we need to analyze the following: ולא יוכל לראות את-הארץ ואכל את-כל-העץ: Why does it say ולא יוכל לראות את-הארץ? Who won't be able to see. The הקדוש explains the miracle of this מכה as described in the פסוק. Normally if locust invaded an area they descend on the ground and a person looking at the field doesn't see the ground because there are so many locust covering it, however the individual locust however can see the ground. Here there were so many and they were so close to each other, that they themselves couldn't see the ground. Secondly, usually they would come in a wave and eat one field and then continue to the next, but here they descended on the complete area at once. This is why it says "בגבולך" to show the great חסה that the complete מצרים was blanketed at once.

STORIES  
 OF THE DAF

The invalid  
 vow

הא בעם הארץ

A man once had an argument with his wife. He decided to teach her a lesson and declared not only his refusal to capitulate and do as his wife wished, but he even went so far as to make a neder. In his anger, he proclaimed, "If I change my mind and wind up giving in to you, you are as forbidden to me as the three sins עבודה זרה, גילוי עריות, and ושפיכת דמים." When the man cooled down, he wondered what he had done. Would his wife really be prohibited to him and would he have to divorce her? Perhaps he should go to a chacham, express his regret, and try and have the vow annulled?

He placed his question before the Rav of his town, but the Rav was inclined to permit the man to disregard his vow entirely regardless of what he had done since a neder cannot transform an otherwise permitted entity or activity into something of the status of that which was always prohibited by Torah law. The Rav said, "Phrasing your neder as a transformation of your relationship with your wife into something akin to murder was just impossible. If you had said that she would be like a consecrated korban from which you could have no benefit, this would take effect. A korban is also an object that needs to have its special status conferred on it through the act of consecration." Then the Rav found himself in a quandary. The Gemara in Nedarim 14 states that an ignoramus who makes such an invalid vow should be forced to annul it so that he will be careful not to make any neder in the future. He asked himself, "Is this man enough of an עמ הארץ to have to make נדרים?"

Fortunately, the Rav found a teshuvah in the Tashbitz, zt"l, that exactly paralleled his case. He read, "The Rashba already ruled that, in reference to this, virtually everyone is an ignoramus. Indeed, the status of the man in question is certainly that of an ignoramus and the invalid vow must still be nullified. For if he was a scholar who knows the halachos of nedarim, why would he have used a language that cannot possibly bind him when he wanted the vow to take effect?"

