



שבת קודש פרשת בא | מסכת נדרים דף יד'

INSIGHTS FROM OUR CHABUROS

A neder or oath regarding sleep

קונם שאני ישן, שאני מדבר

n 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 person's statement refere rabbinic (see 13a, |', v| < r) Accordingly " "learns that the accurate text in the Mishnah is where the person declared a condition of prohibition upon "שאני ישן" my sleeping," and not "שאיני 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 דידות. 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 T'. Therefore, the case in the Mishnah dealing with sleep cannot be where the person said, "שאיני", where he is prohibiting the act of sleeping upon himself. This case would be valid only as a T' if it dealt with a tangible item, but in reference to sleep it has no significance even מדרבנן, therefore, Ritva explains that the correct text is "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 שאיני ישן, which is a neder in form of a שבועה. Kesef Mishnah changes the text in the Rambam throughout to שבועה obviously based upon the concern of Ritva. The שער המלך, however, explains that Rambam holds like Tosafos (5b, ישר המלך) ", that whether the person said שאיני or if he said שאיני 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

יד השם that the complete מצרים was blanketed at once.

In this week's daf the גמרא discusses a person who says I won't sleep today if I sleep tomorrow היום אם אישו 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: (י אם־מאן אתה לשלח את־עמי הנני מביא מחר ארבה בגבלך (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 רבה 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 מכת ארבה we need to analyze the following (שמות י' ה) possuk: וכסה את־עין הארץ ולא יוכל לראת את־הארץ ואכל את־יתר הפלטה הנשארת לכם מן־הברד ואכל את־כל־העץ הצמח לכם מן־השדה: Why does it say ולא יוכל לראות את הארץ? Who won't be able to see. The אכשיך הקדוש explains the miracle of this מכה as described in the .Normally if locust invade 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

STORIES OF THE DAF

The invalid vow

הא בעם הארך

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 אילוי עריות עבודה זרה גולוי עריות א, and Diverse whet 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 guandary. 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 עם הארץ to have to make י?התרת 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?"

HALACHA HIGHLIGHT

Cutting off extra parchment from a Sefer Torah

מחתא על ארעא דעתיה אגיולי

When the Sefer Torah is on the ground his intent is on the parchment

he Shevet HaLevi¹ was asked whether it is permitted to cut some of the empty margins off a very heavy Sefer Torah to make it lighter and fit to use. Shevet Halevi begins by citing a related ruling of Maharam of Padua². He wrote that if the only way to fix a Sefer Torah is by removing some of the extra parchment it is permitted since the alternative would be to have it buried. Therefore, it is obvious that it is better to remove some of the extra parchment rather than bury the entire Sefer Torah. Similarly, writes Shevet Halevi, if there is a heavy Sefer Torah it should be permitted to remove some of the extra parchment. He then expresses some hesitation on the matter since in the case of a heavy Sefer Torah one could almost always find a person who is very strong to lift it so removing the additional parchment is not necessary to make the Sefer Torah usable. Although the Sefer Torah's weight will cause it to be used less often, that is not enough of a factor to permit cutting off some of the parchment.

The Mishnah Halachos³ was asked a similar question. There was a Sefer Torah that was very old and in different places there were tears, sometimes at the top and sometimes at the bottom of the parchment. Some people wanted to cut the parchment from the top and the bottom of the Sefer Torah so that the tears could be removed and there will be a uniform height to the parchment. Mishnah Halachos answered that it is permitted and he cited our Gemara as proof to this conclusion. The Gemara rules that when one sees a Sefer Torah on the ground and declares that he is vowing by it, the vow is not valid because we assume he was referring to the parchment which is not sacred. He then expresses hesitation about this lenient approach since it is difficult to imagine that the parchment of a Sefer Torah is not sacred. Furthermore, the Gemara⁴ seems to indicate that it is sacred; therefore after a long analysis of the matter he concluded that each case must be judged separately.

1. שו"ת שבט הלוי ח"ח סי' ר"ל
2.שו"ת מהר"ם פדאוה סי' פ"ד
3. שו"ת משנה הלכות ח"ב סי' י"ח
4. גמ' שבת קט"ז

MUSSAR FROM THE DAF

Meaningful change

האומר לאשתו ״הרי את עלי באימא״ — פותחין לו פתח ממקום אחר

אם מסקנה of the אמרא is that if an עם הארץ forbade his wife on himself just like his mother is אסור to him (out of anger towards his wife) we force him to go to a חכם who will be המחין לו פתחין לו פתחין לו פתחין לו פתח איש. The says we won't accept him to be simply הא"ש, rather he needs to use a פתח What is the difference?

The רחטה on Daf 21b explains the subtle difference between a חרטה and חרטה when uprooting a נדר. He writes that a פתח is greater than חרטה. In a ח, a person recognizes that he made a mistake by making the נדר, because he didn't really contemplate the ramifications of his action. However, a חרטה is when a person recognizes that his שנדר was made from anger/haste and he therefore didn't truly mean to make the נדר.

In our עם הארץ, the פתח חכמים imposed on the עם הארץ to receive a תלמיד חכם, while a פתח doesn't have to (as the neder is not really because we want the עם הארץ to learn a lesson and not do this again in other ways in which the neder could actually be חל מו לד. There is a greater chance that he will learn his lesson through a פתח in which he introspects and realizes he didn't fully think out his actions. While with a חרטה, he could easily return to a she doesn't look inward, rather superficially he knows he has to be careful not to get angry.

When thinking about our actions and mistakes we made in the past, to truly come to meaningful change, we must practice understanding how we weren't fully on the consequences of our actions and what the ramifications are. Simply regretting actions may not be internally enough to sway us from those actions in the future.

POINT TO PONDER

The Gemara says that if someone makes a נדר while holding a נדר and says במה שכתוב בה and says במה שכתוב בה because he is referring to the אזכרות which are the names of הקב"ה contained within it. The reason why this works is because the אזכרות have have and this שזכרות and this קדושה comes as a result of a human action. But isn't everything in the תורה קדוש and must treated as קדוש? So why focus only on the אזכרות מדור אזכרות של אזכרות אזכרות

Response to last week's Point to Ponder:

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

תוסי נזיר דף דע״ב ד״ה מצוה writes that the מצוה is to say the words תוסי מיח". Based on the fact that there's such a mitzvah הרב שמעון שקופ זצ״ל explains that since the תורה gave us such a מצוה it must be that the owner retains some control/ownership in the מצוה so that he can perform the מצוה.

For more points to ponder by Rabbi Yechiel Grunhaus, or insights by Rabbi Yitzchok Gutterman, please visit our website, dafaweek.org, or download the app To share an insight from your Chabura please email **info@dafaweek.org**

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