



שבת קודש פרשת ויקרא | מסכת נדרים דף כג'

INSIGHTS FROM OUR CHABUROS

Different types of releases for various vows

ומי שרי כי האי גוונא

The Gemara presents a series of incidents where vows were released due to regret on the part of the one who pronounced the vow. On our daf, the story is told of Abaye, who had a daughter from a previous marriage. When it came time for her to wed, Abaye wanted her to marry his relative, but his wife wanted Abaye's daughter to marry her relative. Abaye said, "Benefit from me will be prohibited upon you if you disobey my wishes and marry her off to your relative!" His wife disobeyed anyway, and the daughter was married to the wife's relative. Abaye went to Rav Yosef to have the oath released. Rav Yosef asked Abaye, "Would you have made the vow had you known that your wife would disobey you?" Abaye responded that he would not have made the vow, and Rav Yosef released it.

The Gemara wonders, is it permitted to make an opening for a vow in this manner? The Gemara confirms that, indeed, such an opening is valid. What is different about this incident that prompted the Gemara to question the validity of the opening suggested by Rav Yosef, as opposed to the other examples presented of excuses allowed to release vows in this series of stories?

Tosafos Yeshanim explains that a typical example of an opening for a vow is some consideration which the speaker might not have thought about while making his original commitment. The judge can introduce this factor, and the speaker could admit that had he thought about it, he would not have made his vow. However, Rav Yosef confronted Abaye about the very vow itself. Abaye warned his wife not to disobey him, or else there would be dire consequences. Rav Yosef asked Abaye whether he would have made the vow had he thought that his wife would disobey him. Yet, his wife's compliance was precisely the nature of the vow, and it was obvious that Abaye had thought about her cooperation. This is why the Gemara wonders about its validity, and then brings a proof that such an opening is, in fact, acceptable.

ר"ן asks why this is not a case of נדר זירוזין, a vow of motivation, which is not considered a valid vow, and is dismissed without even needing an opening. Apparently, Abaye was trying to encourage his wife's cooperation, and that was the nature of his "vow". He answers that a motivational vow is where neither party actually meant to make an oath, as in a case of a seller and buyer who maneuver for strategic pricing positioning (20b21a). Here, however, Abaye actually meant to challenge his wife with the oath in case she would disobey him. This is why it was binding, until Rav Yosef released it.

POINT TO PONDER

The Gemara tells a story about a launderer who saw someone annoying חכמים and took his laundry basket and hit the person with it. The גמרא compared the launderer to an Am Haretz (אפיקור) who routinely abuse חכמים. Since in this case he was actually sticking up for the חכמים why is he compared to wrongdoers?

Response to last week's Point to Ponder:

The Gemara says that someone who gets angry בו כל מיני שולטים. What does it mean when it says all types? Isn't there just one גיהנום?

The יהוידע בין writes that there are three types of גיהנום, Fire, Hail, and Smoke. Additionally the ע"ב מא writes that certain people suffer in this world instead of גיהנום. (For example stomach illness or עניות).

STORIES OF THE DAF

The broken vow

הרוצה שלא יקיימו נדרין כל השנה

There was a certain man who was urged by his good friend to swear to improve his behavior. Not only did he take the oath, but also he even stipulated that if he wished to annul this vow he would have to do it with the consent of his good friend.

For a while things went well. Then sticking to his oath got increasingly difficult. He would have gone to get it annulled but he knew that his good friend was intolerant of his weakness and that it would be very difficult to convince to allow him to retract it. After matters really became unbearable, this man consulted with his Rav to find out if there might be some way around the stipulation he had made.

His Rav said that he couldn't decide such a difficult question leniently without consulting one of the foremost authorities. He needed to verify that the reasoning he employed to justify leniency was well-founded. So the Rav presented this question to the Ramban, זי"ל. He said, "At first view, the vow may not be annulled without permission of his good friend, just as Moshe needed Yisro's permission. On the other hand, perhaps his having annulled his vows before Rosh Hashanah sufficed, as we find in Nedarim 23a?"

The Ramban responded, "First of all, Nedarim 23 has no relevance to this question since Tosafos writes that such an announcement is irrelevant if one made the vow at the behest of his friend. If there is no way of permitting this vow, his declaration will certainly not have helped. It is true that the vow between Moshe and Yisro required permission, since Moshe made the vow for Yisro to repay him for his kindnesses. In our case, however, the man who vowed wasn't vowing for the good of his friend or to repay him at all. It is proper for him to inform his good friend that the vow was annulled...so that he should not suspect him of having broken his vow!"

HALACHA HIGHLIGHT

Kol Nidrei

והרצה שלא יתקיימו נדריו כל השנה יעמוד בראש השנה ויאמר כל נדר שאני עתיד לידור יהא בטל

One who desires that his vows should not be binding should stand on Rosh Hashanah and declare, "All the vows that I will take in the future should be null."

Ra'avayah¹ writes that based on our Gemara the custom is for the Sh'liach Tzibbur to recite Kol Nidrei at the beginning of Yom Kippur so that the vows one will take over the course of the coming year will not be binding. He proceeds to mention that there is a dispute regarding the correct language of the declaration. Some of his teachers would declare that the vows they will make should be pre-annulled and others made the declaration annulling the vows of the past year. Ra'avayah preferred the latter custom to annul the vows of the past year. Rav Hai Gaon², however, opposed the practice of reciting any form of Kol Nidrei and claimed that he never heard about this custom from his teachers. Is it reasonable that a person should be allowed to take vows and oaths throughout the year without any thought to their ramification simply because he made a declaration on Rosh Hashanah or Yom Kippur? Rather, one should avoid the practice altogether.

Rema³ writes that although Kol Nidrei is recited on Yom Kippur, nonetheless, that declaration should not be relied upon and one should request an annulment for his vows unless there is a pressing need (לצורך גדול). Aruch Hashulchan questions whether this ruling is applicable in our days. This declaration, according to the Gemara, is only valid if one forgets the declaration at the time the vow is made. In the time of the Gaonim and Rishonim when the practice of reciting Kol Nidrei was not widespread it was possible for a person to forget the declaration at the time a vow was made. Nowadays, however, when everyone recited Kol Nidrei with a special niggun and the entire Yom Kippur night service is called Kol Nidrei, it is unreasonable to think that people forget the declaration when they make a vow. Therefore, even in pressing circumstances one should not rely on the Kol Nidrei declaration and the only reason it is recited is that it contains many hidden concepts as is known to those who are well versed in kabbalah.

1. ראבי"ה ח"ב מסכת יומא ס' תקכ"ח ד"ה ומוליכין כרים
2. תשובת הגאונים שערי תשובה ס' ל"ח
3. רמ"א יו"ד ס' ר"א סע' ב'
4. ערוה"ש שם סע' י'

MUSSAR FROM THE DAF

A divine gift

והרצה שלא יתקיימו נדריו כל השנה, יעמוד בראש השנה ויאמר: כל נדר שאני עתיד לידור יהא בטל, ובלבד שיהא זכור בשעת הנדר.

Our Gemara introduces the concept of being mevatal a neder as we do in Kol Nidrei. There is a machlokes Rishonim regarding the function of Kol Nidrei. The central question is whether this declaration, recited at the onset of Yom Kippur, pertains to past nedarim or only future nedarim. Some Rishonim explain that Kol Nidrei is a form of hatarah—annulment—of past nedarim. Accordingly, it serves a similar role to the hataras nedarim performed before Rosh Hashanah. On the other hand, other Rishonim rule that Kol Nidrei functions as a tenai, a conditional stipulation made before a vow is uttered, stating that any neder made in the coming year will be invalid. This view sees Kol Nidrei as applying solely to future vows. However, according to the Rishonim and others who maintain that Kol Nidrei refers to past nedarim, a fundamental question arises: How can one retroactively nullify vows through a declaration made in the present? Isn't that logically inconsistent—akin to turning back time? An additional layer to this question comes from our sugya, which teaches that a person who wishes to preemptively avoid the binding nature of future nedarim should make a stipulation "at the beginning of the year." If so, why did Chazal institute the practice of saying Kol Nidrei on Yom Kippur, which is ten days after Rosh Hashanah? The answer lies in the very essence of Yom Kippur. The Torah describes Yom Kippur as "Be'etzem hayom hazeh techaper aleichem" (Vayikra 16:30)—"On this very day, you shall be cleansed." The day itself carries an intrinsic power of כפרה (atonement).

Unlike any other day of the year, Yom Kippur allows us to go back in time spiritually. This may explain why Kol Nidrei, which according to some Rishonim addresses past nedarim, was specifically placed on Yom Kippur night. It is precisely because of Yom Kippur's timelessness—its ability to transcend the limits of chronological cause and effect—that such a retroactive annulment is spiritually meaningful. Just as teshuvah allows a person to undo a past sin, Kol Nidrei, when linked to Yom Kippur, becomes a channel through which even past nedarim can be undone. Without the metaphysical framework of teshuvah, this concept would seem paradoxical. But with Yom Kippur's divine gift of teshuva, the impossible becomes possible.

שבת הגדול דרשה

In this week's daf, we learn that רב הונא בר חנינא wanted to include the הלכות of making a נדר that any vow which one makes during the year is null and void, in his דרשה. We find the idea of a "דרשה" every year before פסח. While in most years the דרשה takes place on the שבת before פסח this year, because פסח ערב שבת, the שבת of דרשה takes place place this year. One of the reasons given for why it is called שבת הגדול, is actually because the Rov delivers a long דרשה (see שבלי הלקט). The best known reason for why it's called שבת הגדול, is because of the נס which took place when בני ישראל took a שנה on the 10th of ניסן and risked their lives because the שנה was what the Egyptians worshiped. The Possuk

"דברו אל-כל עדת ישראל לאמר בעשר לחדש הזה ויקחו: (שמות פרק יב' פסוק ג') **החדש הזה** להם איש שנה לבית-אבת שנה לבית." This possuk follows the possuk of **החדש הזה**, which designates ניסן as the first month in the Jewish calendar. Why was the מצוה of taking the שנה given to them at the same time as the מצוה of **החדש הזה**? Also, why give it to them 10 days in advance. The אלשיך הקדוש explains that if they were given the מצוה of taking the שנה before the מצוה of **החדש הזה** they would have been very scared because they are being asked to take the עבודה זרה of עבודה זרה in the very month when the sign of the sheep is strongest. The reason why the Egyptians worshiped the sheep is because they knew that the month of the sheep is the "first" month and it rules the whole year. Therefore the הקב"ה first told them that ניסן is actually our month **החדש הזה** לכם and you have nothing to worry about, because it's our first month and not the Egyptians' first month.

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