

שבת קודש-שביעי של פסח | מסכת נדרים דף כה

## INSIGHTS FROM OUR CHABUROS

### Misinformation about a wife's improper behavior

קונם אשתי נהינת לי שגנבה את כיסי ושהכתה את בני ונדע שלא הכתו ונדע שלא גנבה

The Mishnah lists a third category of oaths that can be dismissed without needing to be released. This is the category of שגגות, where the speaker was under false impressions when he made his statement. The example given is where a man was told that his wife stole his money or that she struck his son. The husband then declared that he prohibits her from benefiting from him due to this information. When the information is shown to be false, the oath immediately becomes null and void on its own, as we determine that it was only spoken based upon the misinformation told to the husband.

Ritva explains that the case is where the husband explicitly said that he was taking the oath due to his wife's stealing the money or hitting the child. If, however, the man took the oath without explaining his reason, and he later provides an excuse that he did so only due to what he assumed was his wife's improper behavior, we would not heed his plea. His words now reflect mere דברים שבלב, thoughts that were (at best) in his mind, and these have no legal weight to stop the oath.

Rashba, however, explains that even if the husband did not articulate his concern about his wife's stealing or striking the child at the moment of the oath, he can still come later and claim that the oath should be released due to its having been predicated upon his mistaken information. This is based on Tosafos (28a, ד"ה במוכס) who writes that the sages discount the validity of all four categories of oaths listed in the Mishnah (20b), even without there being extreme circumstances, because we can be assured (אנן ידעם) that the person did not intend for his words to constitute a neder. This is the case even without the person himself having to provide any excuses.

אפרים (to Nedarim 6a) explains that although the words of the Mishnah suggest that the husband has to provide the condition at the time he utters the oath, nevertheless, this is only necessary when he does not later come and claim that his oath was based upon misinformation about his wife's conduct. If, however, the man comes and tells us that he would have never made the neder had he known that his wife did not act improperly, the oath is automatically released, even if he had not made the stipulation ahead of time.

## POINT TO PONDER

**The Gemara tells** a story about someone who came to בית דין and hid coins in his stick. The story is referred to as קניא דרבא. Why is named after רבא, if it wasn't his stick?

### Response to last week's Point to Ponder:

The Gemara says that someone made a נדר and told his friend לבני אי אתה נותן לבני. כור של חטים ושתי חביות של יין אם. Why did the Gemara use these type of quantities which seem substantial, as compared to the earlier Gemara (כא) where the person made a neder from tasting even a drop of water, as an example of a נדר?

The amount described is equivalent to what one person would need to eat and drink for a year (see שלמה כרם). The שיטה מקובצת learns that the Gemara is referring to a son-in-law, and the idea is that one side, wants to contribute towards their children's annual support.

## STORIES OF THE DAF

### The reed cane

מקניא דרבא

One time, a certain man admitted owing another a large sum of money in front of witnesses. Not long after this, the man claimed to have paid the money. The creditor denied this. "Are you willing to swear?" asked the angry creditor. The man responded in the affirmative and, in a very cool and defiant manner, swore that he had paid.

Some time later, the man was observed sneaking a purse with the amount owed off of his creditor's property and the entire story was made public. People were outraged at his nerve, but this man felt he had an adequate defense. After paying his debt and showing some contrition, he said, "I didn't act properly, but I certainly didn't swear falsely. When I swore that I had paid him in full, the man did have the money in his reshus, on his own premises!"

A similar question was placed before the Rashbah, zt"l. He answered, "Swearing to have paid a creditor when the creditor didn't know the money was put on his premises is a serious problem. One cannot justify the action with the story regarding the reed of Rava. A certain man borrowed money from another and then claimed to have repaid his debt. His creditor denied this. When they came before Rava he told the man to swear. Before swearing, the borrower handed his hollow cane to the lender. He then took a sefer Torah and swore. The creditor got so angry that he broke the reed staff in his anger. Suddenly, the entire sum which had been hidden in the hollow staff fell onto the floor and it was seen that the man had not sworn falsely. This is no proof for our case. In Rava's case, the oath was not false because the debtor swore that he had given his creditor the money, not that he had paid him. It is inconceivable that swearing to have paid someone who is not aware that he has been paid is attesting to the truth, since one who doesn't even know money was placed in his possession is not considered to have received it according to all opinions. The man swore to have paid his debt. This is definitely a false oath!"

## HALACHA HIGHLIGHT

### Prioritizing Talis or Tefillin

דאמר מר שקולה מצות ציצית כנגד כל מצות שבתורה

*As the Master taught: The mitzvah of tzitzis is equal to all the mitzvos of the Torah.*

**N**imukey Yosef<sup>1</sup> rules that in the morning one should don his talis before his tefillin since the mitzvah of tzitzis is equated with all the mitzvos of the Torah and the mitzvah of tzitzis is performed more frequently than the mitzvah of tefillin. Sefer Toras Yaakov<sup>2</sup> challenges the first rationale since there are sources that indicate that tefillin is also equated with all the mitzvos. Teshuvos Halachos Ketanos<sup>3</sup> writes that he saw quoted in the name of the Knesses Hagedolah that one who cannot afford to purchase talis and tefillin should prioritize the purchase of a talis since the talis is equated with all the mitzvos. Halachos Ketanos challenged this assertion since tefillin is also equated with the entire Torah. He suggested that perhaps the mitzvah of tzitzis should be given preference since it is not only equal to the other mitzvos but it also serves to remind a person of all the other mitzvos. He is not fully comfortable with this explanation, since tefillin, rather than tzitzis, is more associated with davening and the Gemara in Rosh Hashanah (17a) teaches that tefillin is a mitzvah that is associated with the body as opposed to the mitzvah of tzitzis. In conclusion, he writes that although his proofs can be refuted, nonetheless, Tur seems to indicate that tefillin is a higher priority than tzitzis.

Mishnah Berurah<sup>4</sup> writes, based on later authorities, that one who does not have the necessary funds to purchase talis and tefillin should purchase tefillin based on the following two considerations. Firstly, the mitzvah of tefillin is obligatory whereas the mitzvah of tzitzis, technically, applies only when one wears a four-cornered garment. If, however, a person does not wear a four-cornered garment there is no Biblical obligation to obtain one in order to perform the mitzvah of tzitzis. Secondly, Chazal<sup>5</sup> refer to men who do not wear tefillin as פושעי ישראל בלשון—Jews who sin with their bodies, thus indicating a unique severity for not fulfilling the mitzvah of tefillin. Certainly, concludes Mishnah Berurah that if one has the option to spend additional funds to purchase more beautiful (מהודר) talis or tefillin one should purchase the more beautiful tefillin and people are unaware of this fact and consequently err.

1. נמולי יוסף על הר"ף הל' ציצית די"ב ע"א
2. ספר תורת יעקב פרשת במדבר
3. שו"ת הלכות קטנות ח"א סע' נ"ד ומובא דבריו בבאר היטב סי' כ"ה סק"א
4. משנה ברורה סי' כ"ה סק"ב
5. גמ' ר"ה יז

## MUSSAR FROM THE DAF

### Power of promise

וכן מצינו במשה רבינו כשהשביע את ישראל בערבות מואב, אמר להם: הוּו יודעים שלא על דעתכם אני משביע אתכם, אלא על דעתי ועל דעת המקום, שנאמר: "ולא אתכם לבדכם וגו'".

**T**he Gemara tells us that Moshe Rabbeinu was mashbi'a Klal Yisrael—to take an oath—to keep the Torah. Tosafos (Shavuos 29) asks: What is the purpose of such a shevuah? A person is only bound by a shevuah because of the prohibition of bal yachel (not to break one's word). But if someone is already obligated to keep the Torah, then the shevuah seems redundant. And if someone doesn't plan on keeping the Torah, how will a shevuah help? The entire strength of a shevuah lies in the person already being committed to Torah observance! I heard from Rav Pinchas Gross the following answer: Rav Hutner (Pachad Yitzchak, Rosh Hashanah, Maamar 15) explains this idea by discussing geneivas daas—the prohibition of misleading others. We find that geneivas daas applies not only to Jews but even to non-Jews, whereas gezel (theft) is more limited in scope. This implies that geneivas daas is even more severe than gezel. Rabbeinu Yonah (Perek 3, Shaarei Teshuva) writes that emes (truth) is the foundation of the human soul—האמת היא יסוד הנפש. Rav Hutner builds on this by saying that misleading someone is not just a random aveirah—it touches on the essence of the human being. When a person gives their word, that commitment reflects the very reality—the metzius—of who they are. It's not about halachic obligation alone; it's about the integrity of the person.

This helps explain all the shevuos we find among the Avos, even before Matan Torah. What was the significance of these oaths if there was no Torah yet? The answer is that when a person gives their word—even outside the framework of halachah—the very atzmus of being a human demands that they keep it. Rav Pinchas Gross answers Tosafos' question with the yesod of Rav Hutner. He explains that even if someone is not yet fully committed to keeping the Torah, once they give their word—once they take a shevuah—that creates a new level of obligation. The power of a promise, of a shevuah, is rooted in the deepest parts of who we are. We see from here how deeply important it is to always keep our word. It's not just a matter of being honest or avoiding falsehood—it's about aligning ourselves with the core truth of who we are. When we speak, when we commit, we are expressing our inner reality. Breaking that word isn't just a technical failure; it damages the very foundation of our nefesh.

## שביעי של פסח CONNECTION

**In this week's daf** the Gemara quotes a possuk from יציאת מצרים which describes the ועברתי בארץ מצרים (שמות יב' יב') says: מצרים. The possuk describes the מצרים זרה

בלילה הזה והכיתי כל־בכור בארץ מצרים מאדם ועד־בהמה ובכל־אלהי מצרים אעשה. This possuk is detailing how Hashem himself came to Egypt and killed every Egyptian firstborn. Since it is clearly talking about Hashem in the beginning of the possuk why does it end with אני ה' which seems unnecessary? The אלשיך explains this ending based on a Gemara in ע"ב דף נד נ"ב. The Gemara there tells of a discussion between the חכמים and a non-Jew who asked them why does Hashem leave the various עבודת זרה in place rather than destroying them? The חכמים explained that if the גוים worshiped objects that are not needed in this world, Hashem would destroy them, but since they also worship things like the sun and the moon, that the world needs, he can't destroy them. He then asked, why doesn't he destroy the unnecessary ones and leave the rest in place? The חכמים explained that if he would leave some in place, people would make a mistake and assume that the ones which are left in place, are ח"ו real, because the others were destroyed. Based on this Gemara the אלשיך explains that by מכת בכורות since all of the Egyptian idols were destroyed there was a risk of causing people to assume that others have merit, it therefore says אני ה' to explain that there is only one Hashem and the reason why he destroyed these idols was to show that it was Hashem himself who killed all the firstborn, since he also destroyed all of the עבודת זרה, at the same time.

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