



שבת קודש פרשת תזריע-מצורע | מסכת נדרים דף כז'

This week's newsletter has been dedicated לע"נ שרה בת יעקב

INSIGHTS FROM OUR CHABUROS

An oath beyond one's control

וחלה הוא או שחלה בנו או שעכבו נהר

Ritva writes that included in the category of נדרי אנוסין —oaths that are beyond one's control—are those that are stated even without explicit stipulations regarding those extreme circumstances. In other words, if a person made a vow to accomplish a certain objective by a certain date, and before the deadline arrived unforeseen circumstances arose which precluded his ability to fulfill his objective, the oath is null, and the person is not liable for not having fulfilled his word. This is true even if the person could technically fulfill his word, but due to changed conditions it would now entail a much greater expense than originally anticipated. The one who uttered the oath is exempt from his commitment even in this case.

Ritva brings a proof to his assertion from our Mishnah where the person is prevented from completing his task because the river is blocking him. Here, the person could technically hire a boat and traverse the river. This must be the case, because if crossing the river was totally impossible, the person's being exempt would not be a חידוש in any way. Nevertheless, because this would require an excessive expense, he is not expected to pay an exorbitant price in order to cross. This is the case where a person issues a neder to do a specific task or goal. This is where unforeseen circumstances or financial excesses are considered as excuses. However, where the neder was made to not to something (not to eat an item, or not to benefit from something or someone), an אונס is not a factor to allow it. The reason is that when a neder is made to do something by a specified date, the moment of determining its fulfillment is when the date finally arrives. Here, unforeseen conditions can be exemptions to culpability. However, a neder not to do something applies immediately, and the neder is instantly in effect and considered valid. As time goes on and things change, we cannot say that the neder was never valid. This vow remains in effect, as it fulfills the criteria of האדם בשבועה האדם.

The ריב"ש (Teshuva #387) writes that financial considerations are not allowed as excuses not to fulfill an oath. In the Mishnah, although he could apparently hire an attendant to care for his ill son for a few hours, this is not required, for three reasons. First of all, the son does not just need an attendant, he needs his father, and without his father the son will be distressed. Secondly, the אונס not to be able to leave his son's side occurs at the moment the neder to visit the friend is set to be fulfilled. This is different than an oath which is in effect, which cannot be cancelled due to financial reasons. Finally, the friend never meant for a visit to usurp the father's sitting with his son who is ill. These circumstances here indicate that the oath was not meant to be binding under these conditions.

POINT TO PONDER

The Mishna gives several examples of a person not coming on time, due to external circumstances. Why isn't one or two examples sufficient?

Response to last week's Point to Ponder:

The Gemara writes that if when a person made a נדר, he specified ולזה זה, and he later finds out that the first person was his father or someone else who he didn't mean to include, the complete נדר is dissolved. Since he specifically said ולזה זה, how can he now claim that he didn't mean it?

The זלמן סנדר ר' suggests that he was standing too far from the group of people, to be able to identify them. This is why he didn't realize that his father was among the group.

STORIES OF THE DAF

The false oath

אונס רחמנא פטריה

A certain man borrowed money from his wealthy friend and made an oath to repay the debt by a certain date. Unfortunately, when the time came, the debtor told the creditor that he simply didn't have the money to pay. When the creditor summoned the debtor to beis din the man admitted to having sworn. He explained that he had been hoping that Hashem would help him pay the debt back. Sadly, he apparently didn't have the necessary merit for this. He was hard pressed to even put bread on his table and had not a penny to spare—a fact that was well known to everyone in the area.

The creditor demanded that the man be put in נידוי, which is the penalty for swearing falsely. Although a talmid chacham agreed that the man deserved נידוי, the judges were not so sure.

They decided to put this question before the Tashbitz, zt"l. He replied, חלילה וחס to embarrass a fellow Jew with a cherem who has done nothing to deserve it! We know he doesn't have the money to repay his debt. Why shouldn't we believe him when he says he swore because he was hoping for heavenly assistance which didn't arrive? What should he do? He can't find more lucrative work. Should he rob or steal? Surely he did not swear relying on receiving a loan from someone else to repay this one, since who will lend money to such a wretched fellow? He doesn't even have material goods to leave as collateral. It is regarding such cases that Chazal said, אונס רחמנא פטריה.

HALACHA HIGHLIGHT

Making the beracha of Hagomel for one's child's recovery

או שחלה בנו

Or if his son became ill

Teshuvus Chut Hameshulash¹ was asked about the custom that some people had to recite the berachah of Hagomel after their child who was ill recovers. Is this considered an unnecessary beracha (ברכה שאינה צריכה) since the beracha was enacted for the patient himself, or perhaps it is not an unnecessary beracha since the child's recovery is considered a benefit for the father? He proceeded to demonstrate from the Gemara Berachos (54b) and Rabbeinu Chananel's commentary there that one is allowed to make the beracha of Hagomel upon the recovery of others. Therefore, it is logical to assume that a father would certainly be permitted to make the beracha for his son's recovery. Furthermore, even those who are of the opinion that one is not permitted to make the beracha of Hagomel when a friend recovers from illness would agree that a father could make the beracha for his son's recovery since a child and father are considered one. Additionally, the Gemara Shabbos (105b) teaches that young children die ר"ל because of the sins of the parent. Consequently, it is appropriate for the father to express thanks to Hashem for his son's recovery since it could have been the sin of the parent that could have caused the child's demise.

If, however, the child was old enough to make the beracha himself, one could say that the father should not make the beracha for his child, thus taking into account the position that maintains that one may not recite the beracha of Hagomel for another. Other authorities² hold that a child who has reached the age of chinuch should recite the beracha for himself. Mishnah Berurah³ cites in the name of earlier authorities that a child is not obligated to recite the beracha of Hagomel, even for the sake of chinuch. Other authorities⁴ add that the father should also not make the beracha on behalf of his child.

1. תשב"ץ טטאור א' סי' ד'
2. ע' כף החיים סע' רי"ט אות ב' בשם כמה אחרונים
3. מ"ב שם סק"ג
4. ע' שערי תשובה סק"א וכה"ח הנ"ל

MUSSAR FROM THE DAF

No excuses

מההוא דאמר להו: אי לא אתינא מכאן עד תלתין יומין ליהוי גיטא. אתא ופסקיהמעברא. אמר להו: חזו דאתאי, חזו דאתאי! ואמר שמואל: לא שמיה מתייא. אמאי? והא מינס אניס! דלמא אונסא דמיגליא שאני, ומעברא מיגלי אונסיה.

The Gemara brings a case where a man tells his wife that if he does not return within thirty days, the get (divorce document) should take effect. On the thirtieth day, he arrives at the edge of the river leading to the city, but the ferry wasn't running. From across the water, he shouts, "You see that I'm coming! You see that I'm coming!" But he is unable to cross in time. Shmuel rules that the get takes effect. In halachic terms, it is as if he never returned at all.

One might ask: Why isn't this considered an ones — an unavoidable circumstance beyond his control? The Gemara answers that this kind of obstacle — a ferry not being available — is common. It's not a freak accident or unforeseeable crisis. The man should have anticipated the possibility of delay and returned earlier. He waited until the last minute and was caught off guard by something he should have accounted for. People often find themselves in situations where they fail to follow through — on a commitment, a relationship, or a spiritual goal — and instinctively reach for an excuse: I tried. It wasn't my fault. Things came up. And sometimes that's true. But other times, if one's honest, they will see that the failure wasn't because of the obstacle itself — but because they didn't plan for it. They didn't take their responsibility seriously enough to prepare for what could go wrong. That's what the Gemara is teaching us: When something is likely to go wrong, you can't act surprised when it does. And you can't call it an accident if you saw it coming and ignored the possibility.

PARSHA CONNECTION

In this week's daf the גמרא discusses a נדר made on a group of people, but which excluded one of the group. The מצורע of a טהרה which is detailed in the parsha involves the מצורע being secluded from the community for at least seven days. As it says about the metzora, בדרך ישוב מושבו. When the כהן declares that he is cured from the צרעת he brings קרבנות and undergoes the process of טהרה. The possuk says that the כהן instructs that two birds shall be taken for the מצורע. However he is not described as a מצורע, rather the possuk (ויקרא פרק יד' פסוק ד') says:

וצוה הכהן ולקח למטהר שתי צפרים חיות טהורות ועץ ארז ושני תולעת ואזב

The Torah calls the Metzora a מטהר even though he hasn't even begun the טהרה process and is still טמא. Why is he called a מטהר at this stage of the process? The מדרש הקדוש offers a beautiful insight to explain the possuk. The man became a מצורע because of what he did, namely he spoke (גמרא ערכין) or one of the other 6 עבירות enumerated in the לשון הרע. The מצורע goes away when he does teshuva for his עבירה. Therefore the Torah is calling him the מטהר because it was he, and he alone which caused the מצורע to disappear through his teshuva. He is called המטהר because of his accomplishment over the seven days when he was alone. In many situations we have to realize it's up to us and no one else. "אם אין אני לי מי לי".

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

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