



שבת קודש פרשת אמור | מסכת נדרים דף כט'

INSIGHTS FROM OUR CHABUROS

Cases in which the sanctity dissipates on its own

מדי דהוה האומר לאשה התקדשי לי לאחר ל' יום דמקודשת ואף על פי שנתעכלו המעות

Bar Padda had said that the sanctity of an animal cannot depart on its own accord. In the case of the Mishnah, the trees were declared to be consecrated until they would be chopped down. Bar Padda ruled that if the owner redeems them while they still remain intact and alive, they immediately revert back to being consecrated. However, once they are chopped down, they need be redeemed once at that point, with the money to be given to the Beis Hamikdash. The Gemara brought a two-part Baraisa which seemed to be in conflict with Bar Padda. In the first part of the Baraisa, an animal was declared to be an olah for thirty days, after which it would become a shelamim. In the סיפא, the declaration was reversed, and the animal was declared to be a olah after thirty days, but from now (מעכשיו) it would be a shelamim. In both cases, the status of the animal during the first thirty days is automatically terminated when the thirty days elapse, at which time the animal reverts to the next category of korban. We see, therefore, that a state of consecration can end on its own, and it need not be redeemed. Bar Padda answers that the cases are different, and the case of the olah and shelamim is more comparable to where a man gives money to a woman and tells her that the kiddushin will take effect in thirty days. Here, even after the thirty days are over, the kiddushin is effective, even if the money was used up. We see that a declared consecration can apply at a later date, even though it is declared now.

ר"ן notes that there is a problem with comparing the designation of an animal to be an olah after thirty days and the case of kiddushin after thirty days. In regard to kiddushin, even after the thirty days elapse, there is a financial obligation which is in effect. If the woman would not agree to the kiddushin, she would have to return the money she received. In the case of designating the status of an animal, all we had was the verbal declaration of the owner, and that statement has long ago dissipated.

ר"ן explains that we are to understand this based upon the upcoming rule: אמירתו: statement of commitment to consecrate an item is equivalent to a formal transaction with a civilian. Therefore, the analogy is valid.

POINT TO PONDER

When discussing קדושה being permanent or possibly being limited in time, the Gemara gives an example of someone who told a lady be my wife today and not tomorrow. The Gemara assumes that she becomes אשת איש and will need גט. Since she only agreed to be married for a day, which doesn't work, maybe the whole קידושין shouldn't work?

Response to last week's Point to Ponder:

The Mishna says that if someone made a נדר to a tax collector and included his wife and children, according to ב"ש only the wife is exempt from the נדר while according to ב"ה everyone is exempt. Is ב"ה relying on שהותר מקצתו הותר כולו?

The אורח קרן writes that the rule of נדר שהותר doesn't apply here because he did not mean to make a real נדר. In fact his wife is אסור for one day only based on what he thought when making the נדר.

STORIES OF THE DAF

The built-in Bimah

קדושת הגוף לא פקעה בכדי

There was a certain man who rented his apartment to a private individual to use as a Beis Medrash. The person used the space for some time, but eventually the Beis Medrash closed for reasons of its own.

The owner eventually sold the apartment and needed to empty it of all furnishings in anticipation of the closing. Suddenly, the owner realized that he had a problem. The Bimah had been built into the house and couldn't be removed without breaking it to pieces. Was it permitted to destroy it in this way? The bimah was very ornate and had been used without a special cloth which covered it. The landlord assumed that the bimah had the halachah of תשמישי קדושה (an item used to serve a function of kedushah) and certainly could not be broken away from the apartment. After all, in Nedarim 29 we find that after something is sanctified even for a short time, the sanctity does not just vanish. On the other hand, perhaps just as the Chasam Sofer, zt"l, permits the use of an apartment after the minyan moves or is disbanded, perhaps the same holds true for the bimah?

The Divrei Chaim of Tszan, zt"l, was consulted on this and he permitted the man to break the bimah. "The Gemara in Nedarim is discussing sanctifying an animal by declaring it holy for a specific time. In such a case, the sanctity remains. However, the bimah was never meant to have the sanctity of a sacrifice, but only to have the status of an object used for a holy action. Since in our case this holiness was only meant to be used for that minyan, the sanctity does not outlast the minyan and it is permitted.

The Divrei Chaim concluded, "Besides, since this table was constructed in such a way that ensured it could not be simply transferred to fulfill its purpose elsewhere, it is as if it had an inherent flaw. Since the one who donated it was well aware of the inevitability of this flaw coming into play, it is as if he stipulated that it remain sanctified only as long as the minyan exists. It was as though he had, from the outset, declared that it will be chulin after it is moved or the minyan is disbanded!"

HALACHA HIGHLIGHT

Verbal pledges to tzedaka

דאמירתו לגבוה במסירתו להדיוט

For one's verbal declaration for Hashem is the same as handing it to a person

Shulchan Aruch¹ rules that this principle that “a verbal declaration to sanctify creates a binding transfer the same as handing over an object works between private individuals” is not limited to matters related to korbanos alone, but it extends to tzedaka pledges as well. Thus if a person declares, “I will sell this object to tzedaka for such and such an amount,” and it is worth more than that amount, he cannot retract his promise. The reason, explains Rema², is that anytime there will be a monetary benefit to tzedaka, like in this case where the object is worth more than his pledge, we apply the principle that his statement constitutes the transfer. If, however, at the time of the commitment the object was not worth more than the agreed price, and only later increased in value, he is able to retract his pledge. The reason is that since at the time of his commitment there was no monetary benefit to accrue to tzedaka, the object was not automatically transferred and a physical transfer would be necessary to transfer ownership.

Aruch Hashulchan³ challenges how this principle could be utilized in matters of tzedaka when tzedaka is treated like private money (כהדיוט) rather than like sacred funds (הקדש) and this principle is taught in the context of korbanos which is sacred money. Aruch Hashulchan answers that in reality this principle does not apply when one is selling an object since transferring property by a sale is different than transferring it by a pledge. The only time this principle is activated is when part of the sale includes a financial benefit for the Beis Hamikdash. Regarding that additional amount the principle could be applied and it works in the mechanism of a vow. In other words, although this is not a full-fledged vow, since it was never phrased in the form of a vow, nonetheless, it follows the mechanism of a vow and with his verbal commitment to financially benefit the Beis Hamikdash the transfer is completed. Accordingly, in the domain of tzedaka the same mechanism could be employed and when one agrees to sell an object to tzedaka to provide a financial benefit a vow of sorts is taken and he is bound to keep his words.

1. שו"ע י"ד סי' רנ"ח סעי' י"ג
2. רמ"א שם
3. ערוה"ש שם סעי' ל"ח.

MUSSAR FROM THE DAF

Committed for life

אמר לאשה "היום את אשתי ולמחר אי את אשתי"
ר"ן - דלא דמי אשה להקדש משום דאין אישות לחצאין

The Gemara brings a braysa in which a person says to a woman, “I will marry you today, but tomorrow we will no longer be married.” The Ran explains that this type of marriage is invalid because אין אישות לחצאין—kiddushin (marriage) cannot be partial or temporary. Marriage, by its very nature, must be a permanent commitment.

However, when it comes to sanctifying an animal (hekdes), the Gemara teaches that one can sanctify it for a limited period of time. Why is there a difference between these two cases?

The Ran explains that marriage (ishus) is fundamentally about building a relationship. A marriage cannot exist where either party enters into it with the mindset that the relationship is only temporary and will soon end. The very essence of ishus is that each side fully commits to each other, even under the most challenging circumstances—this is the true meaning of commitment.

Rav Shlomo Wolbe, in his Vaadim on Savlanus (Vaad 4) echoes this point. He teaches that the word for marriage, “nissuin,” shares its root with “noseh”—to carry. When one commits to their spouse, one is pledging to “carry” them through all of life’s hardships, no matter how difficult the situation may become. Anything less than this total commitment is not called ishus.

We learn from here the depth of dedication required between a married couple. From the very beginning of the marriage and throughout its journey, there must be a powerful and lasting sense of commitment and devotion to one another. Without this foundation, the very concept of marriage is compromised.

PARSHA CONNECTION

In this week's daf the Gemara discusses קדושת הגוף with regards to an animal whose owner designates it for a קרבן, and whether said קדושה can be changed or removed. This week's פרשה begins with a similar type of קדושת גוף, namely the קדושה of כהנים which is permanent. The Possuk (ויקרא פרק כא פסוק א) says: ויאמר ה' אל-משה

אמר אל-הכהנים בני אהרן ואמרת אליהם לנפש לא-יטמא בעמיו. Due to their elevated קדושת הגוף they should not become טמא except for very close relatives. The Possuk starts in the plural, אל-הכהנים, and then switches to singular, לא יטמא. The אלשיך הקדוש explains that this change is meant to teach us a very important lesson. We will use an example of a classroom to illustrate the message. A teacher may address the class as a group and teach everyone who is in the room at the same time. Once the lesson is complete the teacher may feel that their job is complete because they addressed everyone. However, it is often the case that one or more individual students did not fully understand the lesson. The Torah switches to the singular to tell us that it is our (or in case of a class the teacher's) responsibility to ensure that each individual student understood. Therefore the Possuk starts with לנפש meaning address all of them, but ends with אל הכהנים

לא יטמא, singular meaning, please make sure that every individual כהן understands the הלכה.

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