

שבת קודש פרשת בהר - בחקתי | מסכת נדרים דף ל'

This week's newsletter is dedicated לע"נ חנה בת אברהם דוד

**INSIGHTS FROM
OUR CHABUROS**

The two readings of the Mishnah

ומאן דמתני אסיפא מתני הכי הנודר מיושבי יבשה אסור ביורדי הים ולא באלו ההולכים מעכו ליפו, אלא אפי' במי שדרכו לפרש וכו'

The Amoraim in the Gemara argue about the final clause of the Mishnah which comes to clarify the rule of the neder of the seafarers. Rav Pappa learns that the travelers from Acco to Yaffo are not included in the statement of the רישא, and the Mishnah is teaching that a neder not to benefit from "יורדי הים/seafarers" only includes those who travel far into the ocean, but those who go for short shuttle trips along the coastline are land-dwellers, and are not included in the prohibition. If someone issued a neder not to benefit from sea-farers, it does not include the passengers of these short trips, and the speaker can still benefit from them as well as all היבשה. This reading provides us with a lenient ruling, and the neder is limited to those who go to the deep sea. The other Amora understands that travelers from Acco to Yaffo are included as ocean-bound sailors. Therefore, if someone pronounces a neder not to benefit from land-dwellers, he cannot benefit from any sea-farers, as they all eventually return to the land. However, if the neder is to not benefit from seafarers, then all passengers of boats are included, even those who only travel on short excursions. This reading of the Mishnah results in a חומרא, and the neder includes the short-trip travelers in the prohibition. ר"ן explains in the name of Rashba that even according to the second approach, the travelers from Acco to Yaffo are only categorized as sea-farers if they regularly travel along this short sea route. However, if any person takes this trip infrequently, he certainly cannot be referred to as יורדי הים. The rule is that the meaning of a neder follows the meaning of words and phrases as intended by most people, and people do not refer to an infrequent traveler along the short commuter route as a sea-farer. ר"ן rules that the halacha follows the more strict reading of the Mishnah. Those who travel far into the sea are still included in the category of land-dwellers, because they eventually return to the land, and ones who travel the short route from Acco to Yaffo regularly are also referred to as sea-farers. ר"ן then refers to the Yerushalmi which deals with the following scenario. A person issued a neder that beginning in thirty days he would not benefit from יורדי הים. During that thirty-day wait, a person who was a "sailor" changed his vocation and became a land-dweller. Does the neder refer to this person, because at the time it was uttered the subject was a יורד הים, or do we evaluate the situation as of the moment the neder becomes effective, after thirty days, at which time the subject was no longer a "sailor"? This ultimately depends upon a dispute between Rabbi Yishmael and Rabbi Akiva later (Mishnah, 89b), and we rule according to Rabbi Akiva that the neder follows the moment it is said. Consequently, we would be strict, and the retired sailors would be included in the neder.

POINT TO PONDER

The Gemara gives an example of a man who gives a lady two coins and says that he wants to use one to marry her now and the second one to remarry her after he divorces her. How is this case different from the previous case whereby he gave a lady a coin and said that she will be his wife in 30 days from now?

Response to last week's 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 a גט. Since she only agreed to be married for a day, which doesn't work, maybe the whole קידושין shouldn't work?

The מפרשים discuss the difference between this case and the Gemara in קידושין regarding (קובץ שיעורים) see מקדש חצי אשה, but don't address this specific point. Perhaps we can suggest that she actually could undo the קידושין, if she wants to, but the Gemara is saying that if she agrees to be married for a day, she would need a גט.

**STORIES
OF THE DAF**

**The
controlling
husband**

הנותן שתי פרוטות

There was a certain man who very much feared even the possibility of divorce. He was willing to do anything to stay married, even if forced to give a גט. This man studied very hard and did a lot of research to try and find the correct way to halachically secure his marriage no matter what. After much searching, he finally found what he felt was the ultimate protection. He found a willing girl and made all the arrangements for the wedding. Prior to the chuppah, he positioned friends to serve as witnesses and as he presented his young bride with a מנה, a coin worth very many perutos. He said to her, "You are נקודשת to me with one prutah of this מנה, and subsequently with each and every prutah in the event that I divorce you." This man figured that this was the ultimate marriage safety technique. When there was strife in their little family, the husband informed his wife and her family of his well-laid plan and that due to his foresight divorce was not an option. The bride's outraged father told the entire story to the Rav of the town and asked him if the man's claim was true. The Rav said, "Personally, I think it is at least a doubtful marriage as the Rambam writes. I would prefer to consult with the Gadol Hador to be absolutely certain." He presented this question to the Rashbah who was even more stringent than the Rambam. "Unfortunately, she cannot be divorced until she receives enough divorces to cover every prutah in the מנה. In Nedarim 30a we find that Rav Padah has a similar question where a man gave his wife two perutos and specified that with one they marry now. The second was to ensure their marriage in the event of divorce. The Rashbah continued, "Although in Nedarim this remains unanswered, I hold this takes effect since it is similar to the decision regarding הקדש that emerges from Rav Illah's question in Kesuvos 59a." The practical lesson from this story is: Always read the fine print!

HALACHA HIGHLIGHT

Wearing a yarmulka

אנשים זמנים דמיכסו רשייהו וזמנים דמגלו רשייהו... וקטנים לעולם מגלו

Men – sometimes their heads are covered and sometimes their heads are not covered ... children always have their heads uncovered

Poskim discuss at length whether the practice for men to wear a yarmulka is mandated by halacha or is it merely a custom. Maharatz Chayos¹ notes that our Gemara's declaration that men sometimes cover their heads and sometimes leave their heads are uncovered clearly indicates that it is not a halachic requirement. Tzemach Tzedek² cites the opinion of Tosafos³ who writes that the Gemara's statement that men sometimes do not cover their heads may only be practiced infrequently (באקראי), but as a general matter men should have their head covered. Chasam Sofer⁴, however, writes that nowadays one who does not cover his head is considered a sinner (פושע). He explains that earlier generations accepted upon themselves the practice of covering their head not merely as an act of piety or expression of fear of Heaven, but as a halachic mandate. The reason is that once nonJews decided that it is more respectful to worship their gods without covering their heads it is incumbent upon us to behave differently, thus it is required for a Jew to cover his head. Chasam Sofer cites as proof to this approach the halacha related to erecting monuments (מצבה) that was practiced and beloved during the time of our ancestors but became despised once the idolaters incorporated it into their practice. Other Poskim are also particular about the requirement for a man to cover his head, and Mishnah Berurah⁵ even stresses the importance of the pious act of covering one's head while sleeping.

Magen Avrohom⁶ notes that from our Gemara it seems that it is not the practice for children to cover their heads. Artzos Hachaim explains that the purpose of covering one's head is an expression of modesty, and since children by nature are not modest there is no need for them to cover their heads. Nevertheless Magen Avrohom advocates covering the hair of children since it is helpful towards instilling in them fear of Heaven.

1. מהר"ף חיות לסוגייתנו ד"ה אנשים
2. צמח צדק פסקי דינים או"ח סי' ב' סק"ח
3. תוס' ד"ה אנשים
4. חידושי חת"ס למס' נדרים ל'
5. מ"ב סי' ב' סק"א
6. מג"א או"ח סי' ו' סק"ב.

MUSSAR FROM THE DAF

Consistency, and it's power

הנחיר מיורדי הים מותר ביושבי היבשה תוס' - הים התם נהי דאין שוהין בה מ"מ רגילין לעבור תדיר לעבור בים ניהו הים מותר בו ואפי' למ"ד בגמ' דאותם שהולכים מעכו ליפו מיקרו יורדי אחת לזמן מרובה ואינו רגיל לעבור שם לא מיקרי יורדי הים והנחיר מיורדי שאין עומדין על שפת הים דאין רגילין לעבור בים ומיהו אדם העובר פעם

The Mishnah teaches that one who prohibits themselves from benefiting from those who dwell on dry land—is still permitted to receive benefit from those who go out to sea. Tosafos explains that even if someone occasionally travels on the sea for a long time, they are not considered a yordei ha'yam. However, if someone goes to sea regularly (tadir), even for a short time, their consistent involvement gives them the halachic status of a yordei ha'yam.

The Midrash teaches that Shimon ben Pazi pointed to the verse **"Es hakeves echad ta'aseh baboker ve'es hakeves hasheni ta'aseh bein ha'arbavim"** (Shemot 29:39)—the daily Korban Tamid—as the most foundational principle in the Torah. Why? Because it represents **consistency** in service. The Tamid was regular and unwavering. And that, says Shimon ben Pazi, is the essence of a life of Torah. We see the same message from Tosafos which reveals a deep lesson in Avodas Hashem. What defines a person is not how much they do at one time, but what they do consistently. One who learns Torah every day—even just a little—is considered a ben Torah. But someone who learns only occasionally, even if they learn a lot in one sitting, does not earn that identity. Consistency creates transformation. Daily, faithful effort—however small—defines who we are.

PARSHA CONNECTION

In this week's daf, the Gemara continues the discussion regarding objects which are קדש and whether the קדושה can be undone. Another example of פירות שביעית is קדושת הגוף. The Gemara in Sukkah (ז:) says: שביעית תופסת את דמיה meaning that if one sells פירות שביעית the money which he receives obtains קדושת שביעית. The possuk (ויקרא כה ג) says: שש שנים תזרע

שדך ושש שנים תזמר כרמך ואספת את תבואתה. Since the mitzvah is not to work on the seventh year, why does the Torah have to tell us that for 6 years we shall work in the fields? Also what does it mean את אלשין? Obviously we will eat the produce of the field. The mitzvah explains that the mitzvah of שמיטה is specifically in ישראל and not outside of ישראל, because the purpose of the mitzvah is to remind us and all the nations that ארץ ישראל belongs to Hashem and he gave it to us, and just like every week we rest on שבת because Hashem rested on the seventh day, so too the land which belongs to Hashem "rests" during the 7th year. To reinforce the point that שמיטה is not because the field needs a rest, the Torah says that for six years the fields will produce their normal amount of produce, hence it says meaning what it is supposed to produce. It further adds that for 6 years straight you will harvest the same full output, proving that the reason for the mitzvah is not in order to let the field rest.

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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