



## שבת קודש פרשת במדבר | מסכת נדרים דף לא'

### INSIGHTS FROM OUR CHABUROS

Inspecting an item with intent to buy it

אמר שמואל הלוקח בלי מן האומן לבקרו ונאנס בידו חייב

**S**hmuel discusses a person who takes an object from a craftsman to inspect it, with the intent to buy it. If the prospective buyer mishandles the item and it breaks, even through an accident (אונס), the customer is liable to pay for the value of the item. ר"ן explains that the reason for this is that the seller had already agreed to sell it, and the price of the item had already been fixed. The sale will officially become final at the moment the buyer decides to acquire the object, so that the inspection process itself is only an advantage for the buyer. This gives the buyer the position of a borrower (שואל) who must pay even for אונסין. The words of ר"ן indicate that we need two factors before the prospective buyer is liable. The object must be one which will readily sell (זביןא חריפא), and the price must have been set. This accords with the ruling of Rambam (Hilchos Mechira 4:14). Rashi (Bava Metzia 81a, ונאנסו בהליכה, ד"ה) explains that the customer is liable because it is considered as if it is already his, and he is therefore responsible for it just as he must take responsibility for any object he owns. The difference between the explanations of ר"ן and Rashi is whether the seller can consecrate the object while the buyer is still inspecting it (see Tosafos, Bava Basra 88a, and Kehilas Yaakov #24). According to ר"ן, the object is clearly still in the possession of the seller, and the buyer is just a שואל. However, according to Rashi, the buyer is already viewed as the owner (לוקח), and the seller would no longer be allowed to consecrate the object once it is offered for sale under these conditions. יד רמה (Bava Basra, ibid.) suggests another difference between the opinion of ר"ן and that of Rashi. The halacha is that a שומר is exempt from liability if the owner of the object is in his employ. Therefore, if the seller is an employee of the buyer, and the object breaks, the buyer is exempt as long as he is officially considered as a שומר. This is indeed the case according to ר"ן, but not according to Rashi. המשפט תיבות writes still another difference that evolves from this dispute, if the prospective buyer states explicitly that he does not intend to become the owner of the object, even as he inspects it, until he decides that the object meets his standards. In this case he would not yet be a לוקח, and he would not be liable according to Rashi, but he would be liable according to ר"ן, as he is immediately a שואל.

## PARSHA CONNECTION

**In this week's daf**, the משנה writes that only "we" namely Jews are called בני אברהם. Our טור אורח חיים goes back to אברהם אבינו and it's exclusively ours. The טור אורח חיים סימן תכח writes that we always read פרשת במדבר before שבועות. While the טור doesn't explain why it is so, it's obvious that the פרשה has a relevance to שבועות. In explaining the reason for this פרשה's count the אלשיך הקדוש explains that before the תורה can be given, משה רבנו has to ascertain that there are at least 600,000 Jews because each one of us is connected to the תורה and the שכינה is not שורה on less than 600,000. For this reason when one sees 600,000 at once he recites the ברכה of חכם הרזים. Perhaps this is why במדבר is always read before שבועות. An additional reason can be found in a fascinating שמעוני on the פרשה which says as follows: את "בשעה שקבלו ישראל את התורה נתקנאו אומות העולם בהן מה ראו להתקרב יותר מן האומות, סתם פיהן הקב"ה אמר להן הביאו לי ספר יוחסין שלכם שנאמר הבו לה' משפחות עמים כשם שבני מביאין, ויתילדו להן משפחות". when the nations of the world became jealous of the Jews receiving the Torah, the הקב"ה told them to bring their יוחסין. While the מדרש doesn't explain the connection between יוחסין and תורה מתן we can suggest the following; בני ישראל have the עקידה without יצחק from אברהם אבינו who took נעשה ונשמע of מידה. בני ישראל said נעשה ונשמע when being offered the תורה. On the other hand the גוים all asked what's written in it.

(הרב ברוך רוזנבלום בשם המגיד יחיאל מיכל משקוד).

### STORIES OF THE DAF

"Talmud Torah outweighs them all"

גדולה מילה

**O**n today's daf we learn of the great significance of the mitzvah of milah. Of course, it isn't always appropriate to participate in the seudas mitzvah at the expense of the fulfillment of other, more pressing, obligations. Once, some yeshiva bochurim asked the Chazon Ish, zt"l, if they should attend a bris if invited by the baal simchah. The Gadol responded, "A yeshiva bochur has only two mitzvos to focus on. The first is learning Torah. The second is taking care never to speak lashon hara!" When Rav Bergman, shlit"a, was a young man, he was very close to the Chazon Ish, zt"l. He even often slept in the gadol's home. The young Rav Bergman was also very close to Rav Yerucham Karlenstein, zt"l. The latter took care of his laundry and nursed him when he was sick.

After a time, Rav Bergman moved to the yeshiva in Petach Tikvah. Not surprisingly, when the Karlensteins had a boy, he received a special message informing him of the time and place of the bris. Rav Bergman felt a great deal of gratitude to the Karlensteins. To demonstrate his feelings, he got up early the day of the bris, davened, and got on a bus to Pardes Katz. From there he walked to the place of the bris and arrived on time. The Chazon Ish was also wont to be on time for semachos. When the young bochur noticed the gadol, he went to greet him.

The Chazon Ish returned his greeting and said pointedly, "What are you doing here?" The bochur didn't understand. He replied, "I came for the bris." The gadol again asked, "What are you doing here?" The bochur explained that he was very close to the family and since they sent someone to notify him of the bris, he felt an obligation to be there. The Chazon Ish once again repeated his question and the young man felt flummoxed. They brought the baby in and said "Boruch Habah." The Chazon Ish repeated, "What are you doing here?" Only then did the bochur understand. He stammered, "Should I go back to yeshiva?" The Chazon Ish affirmed this and shook hands with him to send him on his way. He didn't even stay for the bris!

## HALACHA HIGHLIGHT

Using the names  
Adam and Noah

קונם שאיני נהנה לבני נח

*One who declares, "Konam that I should not benefit from the descendants of Noah"*

**T**eshuvus Mabit<sup>1</sup> writes that one should not give his son the name of someone who lived before Avrohom Avinu, such as Adam or Noah. He bases this position on our Gemara that rules that one who takes a vow prohibiting benefit from the descendants of Noah (חבני נח) is permitted to derive benefit from Jews. This indicates that those who lived before Avrohom Avinu had the status of non-Jews. Even the use of the names Shem and Eiver should not be used because one should use the names of people who kept the entire Torah. Teshuvus Teshuva Ma'Ahavah<sup>2</sup> disagrees with the conclusion of Mabit and cites a number of instances where we find people with names that were given to people who lived before the time of Avrohom Avinu. Thus we find a Tanna named יפת בן יפת and another named עקביא בן עקביא. Additionally, Reuven named his son Chanoch even though that was a name from before the time of Avrohom Avinu.

Gaon Chida<sup>3</sup> was also asked to comment about the practice to give a child a name from those names that are found before Avrohom Avinu. Chida cites Mabit as the source for this halacha and takes note that Mabit seems to have formulated this position on his own, as evidenced by the fact that he did not cite any earlier sources that indicate that this is a concern. That being the case, Chida writes that it is difficult to accept this concern without relying on some reference to the concept in Chazal or the writings of earlier Poskim. Furthermore, common custom is the opposite of Mabit's ruling since we find people with the names Adam, Noah, Yefes, etc. In Sefer Shem Gedolim,<sup>4</sup> Chida repeats that he finds it difficult to accept a ruling that Mabit seems to have formulated on his own. He then adds that if Mabit would have simply presented the idea as good advice, without claiming that it is some sort of decree, there would be no need to comment in protest, but since he wrote so critically of those people who have those names it is necessary to respond that halacha does not follow his opinion.

1. שו"ת המבי"ט ח"א סי' רע"ו ומובא דבריו בפת"ש יו"ד סי' רס"ה סק"ו
2. שו"ת תשובה מאהבה ח"א סי' ל"ה
3. שו"ת יוסף אומץ סי' י"א
4. שם הגדולים חלק הגדולים מערכת א' אות צ"ד

## MUSSAR FROM THE DAF

Do the  
Supernatural

רבי יוסי אומר: גדולה מילה שדוחה את השבת חמורה

**R**abbi Yosi says: So great is the mitzva of Milah that it overrides Shabbos,

The Gemara teaches that the mitzvah of Milah is greater than the mitzvah of Shabbos because Milah is performed even if the eighth day following the birth of a son occurs on Shabbos, despite the fact that Milah would theoretically be considered assur on Shabbos. The Maharal (Chiddushei Aggados) explains that this is because Shabbos represents the number seven, which corresponds to the natural order of the world (b'teva), whereas Milah represents the number eight, which symbolizes going beyond nature (l'malah min ha'teva). Therefore, Milah is considered greater than Shabbos.

What is the deeper meaning behind the Maharal's words? Perhaps the Maharal is teaching us a powerful yesod. Shabbos is about emunah and bitachon, faith and trust in Hashem. When a Jew refrains from working on Shabbos, he testifies that Hashem created the world, and that all parnassah depends solely on Him. Our job is merely to do our hishtadlus, while placing our ultimate trust in Hashem's will. Milah, on the other hand, symbolizes something else. It represents man's ability to rise above his desires. To conquer one's taavos (physical urges and inclinations) is not a natural act, it is, in fact, supernatural. It demands that a person control himself and rise beyond his nature.

From this Gemara, we learn just how formidable the challenge of self-discipline truly is. To rise above one's nature and subdue desire is a ma'aseh l'malah min ha'teva—an act that transcends the physical and can be described as a nes (See Daas Chacham U'Mussar, Maamar Aleph). And therefore, one must work very hard in this area and constantly daven to Hashem for help because without siyata d'Shmaya, we cannot succeed in this supernatural endeavor. As the Ramchal says in Mesilas Yesharim (Perek 26):

"כי אם אין הקדוש ברוך הוא עוזרו, אינו יכול לו"

"For if Hashem, does not help him, he cannot overcome it."

## POINT TO PONDER

**The גמרא says** that שבותי שבת can include גוים. Since we know that they are not allowed to keep שבת, how can the גמרא call them שבותי שבת?

### Response to last week's 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?

The case of מלאך ולאחר שלושים יום doesn't have an impediment for the case to be חל at any point from now until 30 days. On the other hand, the case in our גמרא includes a time frame when he doesn't want the case to be חל, namely at the time he divorces her. (See (רשב"א קידושין דף סב ע"ב).

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