

INSIGHTS FROM OUR CHABUROS

Why is the outskirts of the city excluded from the neder?

אימא אפילו בתחומה הא כתיב ומדותם חוץ לעיר

The ש"ך writes that even though in regard to all halachos we rule that the area surrounding a city (תחום) is part of the city, nevertheless, in regard to nedarim, we evaluate definitions based upon colloquial usage of terms, and people usually do not refer to the area adjacent to the city as part of the city itself. The שלמי דברים explains the words of the ש"ך. In general, we consider the surrounding area of a city to be an extension of the city itself, and for all intents and purposes it is treated as is the city. However, when a person pronounces a neder regarding the city, his intent is an integral part of the restriction imposed by his words. Therefore, in regard to nedarim we follow the person's intent, and the תחום of the city is not included in his vow.

תוספות שבת (#254) notes that whatever is situated in the תחום of the city is not part of the city is learned from the verse (Bamidbar 35:5) "You shall measure from outside the city..." How, then, can we say that it is only in reference to the laws of nedarim that the תחום is outside the city? It seems that the general rule should be that anything beyond the precise city limits should be considered as not part of the city.

The שלמי דברים presents an answer to this question based upon an opinion of Beis Yosef (Y.D. 216), who says that the rule of following the colloquial usage of words and phrases regarding nedarim is a very localized rule. If a term means one thing in one location, and the same term means something else in another location, each place is judged according to its particular usage of the phrase. If an oath is uttered לשון הקודש, but in that place people do not speak the Holy Tongue, the halacha will revert back to the Torah's usage of a term to identify the person's legal intent. Our Mishnah states that if a person makes a neder to prohibit benefit upon himself from "the city," the halacha is that he may benefit from the area around the city. The Mishnah seems to deal with the question whether when the person uttered his vow he said it in his local language or if he said it in לשון הקודש. Therefore, the Gemara explains that if he said it in his own language, he may benefit from the תחום because people generally do not include the outskirts of the city when they say "city". If the person said his vow in לשון הקודש, the area surrounding the city is also excluded, as the Torah's usage of the term "city" also does not include the תחום.

POINT TO PONDER

The Gemara writes that if someone is אבילות ר"ל he must turn over all the beds in the house. Does this include only family members, or even guest beds (chairs) or are guest beds excluded?

Response to last week's Point to Ponder:

The Gemara says that someone who made a נדר not to eat דגן is allowed to eat חילקא טרגיס וטיסני which the ר"ן explains are wheat kernels split in 2, 3 or 4. If the whole kernels were split after he made the נדר, would it still be מותר, or do we say that since it became אסור when he made the נדר, it remains אסור?

The רא"ש offers two answers, one answer is that he will only be permitted to eat חילקא וטרגיס which were done before he made the נדר. The second answer is that even if it happened after his נדר it's as if a different item is now here. It is interesting to note that the same question can be asked about the earlier משנה which writes that the same question can be asked about the earlier משנה דף נד ע"א which writes that פול המצרי is אסור but מותר dry. How does something which was אסור become מותר because it dried? (See אורה דף נד).

STORIES OF THE DAF

Location, location

עומד בצד המשקוף ויסיג

The position which the kohen assumes as he declares an infected house to be quarantined (Vayikra 14:38) is used to define the precise definition of what is meant when one prohibits himself from benefit from a house. The halacha of impurity of a house presents us with a fascinating insight to the Torah's sensitivity in this regard. Rashi explains that all the while that the Kohen does not become involved with it, the law of impurity does not take effect. This means that until the kohen arrives to inspect and then make his declaration of impurity, the owner of the house has the opportunity to empty the house of its contents, thus preventing these items from being included in the kohen's declaration of impurity.

Why does the Torah command that the afflicted house be emptied before the Kohen arrives? It could have allowed the Kohen to arrive, and if he intended to declare the house as truly contaminated, we could then empty the house quickly before the declaration was officially made. The halacha is that once a Kohen arrives at his decision that the house is to be quarantined, he cannot delay in making his official declaration that the house is "tamei". If the house had not yet been evacuated, at that moment, as the verdict is about to be pronounced, everyone would rush to retrieve whatever items possible from the house in order to save them from becoming tamei.

Obviously, due to the time limitation, people would choose those items which were most valuable first, and the lesser items, such as the earthenware pots, would be lost. However, now that the Torah instructs us to remove all items before the arrival of the Kohen, "there will not be any impurity upon any of the items of the house". Without exception, everything would be saved, including the cheaper and simpler items which otherwise would have been the first to be lost. Or Hachaim notes that the Torah is hereby showing its concern for the fiscal welfare of the owner of this house, in that the earthenware vessels will be saved.

They would have otherwise been lost either due to the fact that they would have been subject to ritual contamination without the ability for renewed purity, or because they would have been left behind in the lastminute rush to save items of value before the Kohen would have pronounced his ruling.

HALACHA HIGHLIGHT

The extension of a city

הנדר מן העיר מותר ליכנס לתחומה של עיר ואסור ליכנס לעיבורה

One who vows to not enter a city is permitted to enter the techum of the city but is prohibited to enter the extension of the city

One application of the Gemara's discussion whether the techum of a city is treated the same as the city or not relates to the correct way to write a get. When writing a get the scribe includes the name of the city where the get is written. Do we consider the techum area outside the city to be the same as the city or not? Consider for example, the following question posed to the Panim Meiros¹. There was a community of Jews who lived outside of a walled city in their own neighborhood. When a get is written is it acceptable to write that the get was written in the city even though the get was written outside of the city, or perhaps they have to write and deliver the get within the walls of the city?

Panim Meiros answered that if the neighborhood outside the city where the Jews live does not have an independent name and is located within the extension (עיבורה) of the city it is considered part of the city and a get written in that neighborhood could be referenced as part of the walled city. Furthermore, even if the neighborhood where the Jews live is not within the extension of the city but it borders on a non-Jewish neighborhood that is within the extension of the city, that is sufficient.

Proof to this conclusion can be found in our Gemara. The Gemara relates that when a person vows that he will not enter a city he is prohibited from entering even the extension of that city. The Gemara demonstrates this principle from a pasuk in Yehoshua that the extension of a city is called by the name of the city. He then notes that in Cracow the custom is to write that the get was written in Kosmir, the name of the Jewish neighborhood. The reason Kosmir is referenced rather than Cracow is that that place has a separate name; consequently it should be appropriately identified in a get. Those places that do not have a name to themselves can be identified by the name of the neighboring city as long as it is within the extension of the larger city.

1. שו"ת פנים מאירות ח"ב סי' פ"ב

MUSSAR FROM THE DAF

The cup that heals

מתקיף לה רבינא: מידי דהוה אבשר ויין, דכולה שתא אי בעי — אכיל, ואי בעי — לא אכיל, ההוא יומא אנן יהיבין ליה!

The Gemara teaches about the practice of giving wine to an avel (mourner) to comfort him. The Gemara in Eruvin 65 explains that wine was created to comfort an avel. But do we want the avel to become intoxicated at this time? Is that really appropriate?

However, the Gemara in Kesubos 8 explains that wine is given at the seudah of an avel to help with digestion. The Gemara also notes that the wine is not meant to make the avel intoxicated, as evidenced by the change in the takanah from 14 cups during the seudah to 10 cups. So we might ask: Which is it? Is the wine meant to comfort the avel emotionally, or is it meant to help with his digestion? Perhaps it is actually both, and one explains the other. From a scientific perspective, modern medicine provides insight: good digestion and a healthy gut — the stomach and intestines — are directly linked to emotional health. When the gut functions well, with proper nutrient absorption, low inflammation, and a balanced microbiome, the brain receives the signals and chemicals it needs for mood regulation. Poor digestion or gut imbalance can contribute to sadness, anxiety, and even depression. Chazal were teaching a truth that modern medicine has only recently confirmed: by helping the avel's digestion, the wine indirectly supports his emotional well-being.

From a spiritual perspective, it makes sense that the avel's mood and digestion are connected. The avel is struggling to process the intense loss of his relative. Digestion is the body's process of breaking down food, keeping the beneficial parts, and discarding what is unnecessary. Therefore, it makes sense that helping the body process physically can also represent processing emotions and grief in another way. Through this, we see Chazal's wisdom: the Torah understood the deep connection between body and soul, and the practical ways we can care for both in times of mourning.

PARSHA CONNECTION

In this week's daf the Gemara discusses a נדר from a בית as well as the כהן's evaluation of a house for צרעת. We find a רמז to the ultimate בית in this week's parsha. The parsha contains a lengthy description of the wells that the servants of Yitzchak dug. The Possuk (בראשית פרק כו פסוק כב) says:

ויעתק משם ויחפר באר אחרת ולא רבו עליה ויקרא שמה רחבות ויאמר כי-עתה

הרחיב ה' לנו ופרינו בארץ. This was the third well over which there was no fight. Why does the Torah elaborate on digging these wells which seem irrelevant to future generations? The רמב"ן writes that these wells are a רמז to the three Batei Mikdash, which are the ultimate "בית" namely the Beis Hashem. The Kli Yakar expands on this theme and explains that the first Beis Hamikdash is alluded to by the well named "עשק" because the first Beis Hamikdash was destroyed due to the friction between מלכות יהודה and מלכות ישראל. The second well was called שטנה which alludes to the second Beis Hamikdash which was destroyed because of שנאת חנם. The third well is called רחובות and refers to the בית שלשי which will be built shortly and is called רחובות because when we live in peace it feels like there's always enough space for everyone, hence "רחובות" meaning widespread.