

שבת חנוכה פרשת מקץ | מסכת נדרים דף ס'

This week's newsletter has been dedicated in memory of Yehoshua ben Aharon

**INSIGHTS FROM
OUR CHABUROS**

**When do we apply the rule
of מעת לעת?**

ואם אמר יום אחד שבת אחת חודש אחד שנה אחת שבוע אחד אסור מיום ליום

In his explanation of this Gemara, ר"ן explains that when a person prohibits something upon himself for a certain time period he intends that a full cycle of that time period elapse with the prohibition in effect. For example, if he states that something should be prohibited for a day, he intends for it to be off limits for twenty four hours from the moment he speaks. This is how the words are to be understood in terms of a neder. However, when the Torah uses the term "one day" it refers only until nightfall of that same day. For example, the Torah commands (Vayikra 22:28) that we not slaughter an animal and its offspring "on the same day—ביום אחד." The halacha in this case is that if one of the animals was slaughtered before twilight, the other may be slaughtered that same night (Yoreh Deah 16:4).

As mentioned above, the opinion of ר"ן is that a time framework mentioned in regard to a neder demands that the limits defined by the neder be observed for the complete time period prescribed. The clarification of מעת לעת refers specifically to the period of a day, which must be from the minute the neder is pronounced until the same minute a day later. Beis Yosef (#320, קונם ד"ה) writes that the words of ר"ן seem to suggest that we only require "to the minute" where the person said that the neder should be for "one day." But, if the neder was set for "one week" or any of the other units of time, the prohibition is only adopted until a full unit of that time has passed, but waiting to the exact moment of when the neder was made is not necessary. However, Tur (ibid.) and Rambam (Hilchos Nedarim 10:2-5) understand that all time units share the rule that the neder only expires when the minute of accepting the neder arrives.

**STORIES
OF THE DAF**

**Night and
day**

קונם יין שאיני טועם היום

A certain man encountered great difficulty overcoming the temptation to engage in a number of negative behaviors. After trying to assert his willpower for a long period with no success, he finally decided that only drastic measures would be effective. It was time to bring in the strongest deterrent he could think of. So the man made a neder: "On any day that I slip into my failings, I will not eat bread היום—אותו היום—during that day—and the next."

Since bread was actually the mainstay of this man's diet and he found it almost impossible to refrain from bread even for a single meal, he assumed that he had erected a strong defense against his evil inclination. "My days of wrongdoing are over!" he said to himself. However, as is so often the case regarding one who makes a neder, the yetzer which led him to fall to the bad behavior in the first place was not changed by the neder one iota. Eventually, the man acted out his bad behavior yet again, and violated his oath.

Despite his "slip," he nevertheless craved bread. So he tried to think of a halachic loophole that would allow him to eat bread during the stipulated time. Suddenly he was struck with an inspiration. Why should the night between the two days be included in his vow? After all, he hadn't mentioned the night at all, only the day that he transgressed and the next. Perhaps he could eat bread in the night!

This question reached the Rosh, zt"l, who replied, "In Nedarim 60 we find regarding someone who said, 'היום wine from me קונם'—today, he is prohibited from wine the entire day.' The same rule holds true in our case. היום איתו implies, 'I won't eat bread until the day ends.' Since he added the next day, the oath is activated on the first day and ends at nightfall of the second day. If he triggered his neder at night, he is prohibited that night, the subsequent day, and the following night and day. The fact that he didn't mention the night is irrelevant. Once he triggered the neder, it doesn't stop until the time is up...unless he made a stipulation regarding this at the outset!"

POINT TO PONDER

The Gemara says that if someone made a נדר not to drink wine today, he needs a פתח חכם in the evening (after dark). Does he need to find a פתח like a usual לחכם שאלה?

Response to last week's Point to Ponder:

The Gemara says that the case is whereby the תרומה is in the possession of the כהן and therefore undoing it, is not an option. Why is it that once the כהן gets the תרומה the תרומה בעל הבית can't be שואל? Since שאלה works retroactively it should work even after the כהן received it?

The ש"ך חושן משפט סימן רנה writes that words can undo words, therefore a נדר which is words can be undone via שאלה. However words cannot undo an action. In our case he already took the action of giving the תרומה to the כהן and this can't be undone.

HALACHA HIGHLIGHT

Pidyon Haben on the thirtieth day that falls on Shabbos

חדש זה אסור בכל החדש וראש חדש להבא

[If a person vows for] "this month" he is prohibited for the entire month but Rosh Chodesh is part of the following month

Magen Avrohom¹ cites authorities who maintain that although normally a pidyon haben is done on the thirty-first day from the birth of the baby to allow thirty full days to pass, nonetheless, if the thirtieth day occurs on Friday and 29 days, 12 hours and 793 חלקים have passed from the time of the baby's birth, the pidyon haben can be performed. The reasoning behind this ruling is that since 29 days, 12 hours and 793 חלקים is considered a month, and the pidyon haben may not be performed on the thirty-first day due to Shabbos, it is acceptable for the pidyon to be done on Friday as long as the baby is technically a month old. Magen Avrohom writes that one should not rely on these authorities, and he presents a number of reasons why he feels that their position is unreliable. One of the reasons he suggests is a Gemara in Megilla (5a) that teaches that months are counted by days and not by hours. This suggests that when it comes to calculating whether a month has passed one does not calculate based on the number of hours in a lunar month; rather a month is calculated based on the number of days in a month.

Rav Ovadiah Yosef² questions this proof from the Gemara in Megilla. Rashi³ there explains that if a man gave a גט to his wife with the condition that it is valid if he does not return in the next month, once the same date of the next month arrives the גט is valid even if the month was deficient (i.e. 29 days) and he returned less than 29 days, 12 hours and 793 חלקים from the time the condition was made. Accordingly, one could differentiate between the case in Megilla and the halacha of pidyon haben. The Gemara in Megilla refers to the way people use the word month and our Mishnah teaches that when a person makes a vow for "this month" he is prohibited to have wine for that month but Rosh Chodesh is considered part of the next month. The novelty of this ruling, the Gemara explains, is manifest when the month was deficient and technically a month has not passed. Nonetheless, since vows are defined by the way people use terms, the month is completed before Rosh Chodesh. In contrast, the month that is calculated for a pidyon haben may be calculated according to the span of a technical month which is 29 days, 12 hours and 793 חלקים.

1. מג"א סי' של"ט סק"ח
2. שו"ת יביע אומר ח"ה י"ד סי' כ"ה אות ד'
3. רש"י מגילה ה"ה שעות לחדשים

MUSSAR FROM THE DAF

Inventing Holiness

דתניא, רבי נתן אומר: כל הנודר — כאילו בנה במה, והמקיימו — כאילו מקטיר עליה.

The Gemora brings the opinion of R' Nasan who holds that a person who makes a neder, is viewed as if he built a bamah, and if he fulfills this neder it is viewed as if he burns katores on there. If, according to Rabbi Nasan, making a neder is comparable to building a bamah an act, which is forbidden, why does the Torah devote an entire masechta, Nedarim, to regulating nedarim? Why would Chazal give legitimacy to a practice that seems inherently problematic?

The Ran explains that Rabbi Natan's statement does not apply to someone who makes a neder in order to strengthen himself in the performance of a mitzvah, such as committing to learn Torah or to fulfill another mitzvah more diligently. What is the difference between these two types of vows? The Ran (on Nedarim 22a) explains, based on the Yerushalmi, that the problem with unnecessary nedarim is that they reflect a dangerous mindset: adding new prohibitions or forms of avodah that Hashem never commanded. This is precisely why Chazal compare a neder to a bamah. Just as a bamah represents a person deciding to serve Hashem in a place and manner of his own choosing, so too an unnecessary neder reflects a person creating his own religious system, imposing new issurim and restrictions that the Torah never asked for.

When a person makes a neder to reinforce a mitzvah, he is not creating a new form of avodah or a new religious value. Rather, he recognizes his own weakness and creates protective fences to ensure that he fulfills what the Torah already requires of him. There is a great lesson here. We are not encouraged to invent new chumros or personal prohibitions that are detached from mitzvos and halachic goals. That path risks turning avodas Hashem into a personal religion. At the same time, self-imposed disciplines that help us stay within the boundaries of Torah and refine our middos are not only permitted, they are praised. (Ayim Perishus in the Mesilas Yesarim)

PARSHA CONNECTION

In this week's daf the גמרא discusses someone who made a נדר not to taste wine. In the Parsha we learn that after selling Yosef the brothers regretted their actions and vowed not to drink wine and do anything they, could do to find him. Yosef himself also didn't drink any wine from when he was sold by the brothers until he met them. The Possuk says: וישא

משאת מאת פניו אלהם ותבר משאת בנימן משאת כלם חמש ידות וישתו

גמרא שבת דף קלט ע"א writes that Yosef didn't drink until that day and neither did the brothers which is why it says "וישתו וישתו" meaning that with him they drank but not without him. Why did Yosef give them wine and why would they drink now even though they didn't yet find Yosef? (Yosef was able to drink because he recognized them) The מוהרש"א writes that because of מלכות מורא they felt an obligation to do as Yosef tells them. The מוהר"ל writes that they made the following calculation; that Yosef wants to get them drunk because it would cause them to talk freely, and since he accused them of being spies, this will help him get to the bottom of their intentions. Understanding this they decided that saying no, would reinforce his suspicions of them, and therefore agreed to drink to show that they are not hiding anything. But why did Yosef, who knew that they were not spies, want them to drink wine? The טור הארוך explains that since he planned on hiding his cup in one of the bags as well as returning the money which they brought, he wanted to ensure that they will not pay close attention to their bags. He therefore gave them wine so that they would be confused in the morning when leaving Mitzrayim, and not pay attention to their bags.

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

To share an insight from your Chabura please email info@dafaweek.org

The shavua matters is published by the Daf a week program under the rabbinical guidance of Harav Meir Stern shlita and Harav Shmuel Kamenetsky shlita

To sponsor a publication, please contact Rabbi Zacharia Adler, Executive Director at info@dafaweek.org or call 507-daf-week. Sponsorship for one week is \$100

Sections reprinted with permission from the Chicago Torah Center