

שבת קודש פרשת תזריע-מצורע | מסכת נדרים דף ע"ז

INSIGHTS FROM OUR CHABUROS

Release of a neder on Shabbos

ונשאלין לנדרים שהן לצורך השבת

A panel of judges may only convene on Shabbos and consider whether a neder may be released if the nature of the neder and its release is one which is relevant to Shabbos itself. Several reasons are given by the commentators to explain why this is true. ר"ן provides two reasons. One issue is that the panel of experts which sits to decide upon this matter is composed of three laymen or one expert. Gathering this group in and of itself is prohibited as it gives the appearance of arranging to issue judgment on Shabbos. Keren Orah notes that although the prohibition of issuing judgment on Shabbos itself was only enacted lest it lead to writing (see Beitza 37a), and no writing is needed when a vow is released, nevertheless, this assembly is not permitted.

The second reason given by ר"ן is that since time is not critical for the vow to be dealt with on Shabbos, doing so is an unnecessary distraction from the spirit of Shabbos. In his commentary to Rif (Shabbos, 68a in the pages of Rif), ר"ן explains clearly that the concern here is that unnecessary exertion is to be avoided on Shabbos. לבנוש writes that gathering this group of civilians or an expert is a violation of the pursuit of one's personal agenda on Shabbos, known as דבר ודבר חפצך. A person may not discuss his own mundane pursuits on Shabbos.

Accordingly, if the nature of the subject of the neder is relevant to Shabbos itself, this would be permitted. Some Achronim write that the reason we do not allow release of vows on Shabbos is that it appears as if one is fixing something (מתקן בשבת). This is also the reason Mishnah Berura (498:#50) gives for disallowing inspection of a first-born animal to determine whether it has a blemish. Nevertheless, because this does not entail a formal act, it is permitted when the nature of the neder is relevant for Shabbos itself.

PARSHA CONNECTION

In this week's daf the Gemara discusses the details of התרה נדרים. The concept of Nedarim is connected to this week's parsha. The Mishna in Negaim (פרק ב משנה ה) indicates that there are two things that have similar constraints, namely that one cannot undo them without seeking someone else's help. Thus the Mishna writes: כל הנגעים אדם רואה חוץ מן הנגעים אדם ר' מאיר אומר אף לא נגעי קרוביו כל הנדרים אדם מתיר חוץ מנדרי עצמו. There may be another less obvious similarity between נדרים and נגעים, as we shall see shortly.

The מצורע of a מצורע which is detailed in the פרשה involves the מצורע being secluded from the community for at least seven days like the Possuk (ויקרא פרק יג פסוק מו) says: כל-ימי אשר הנגע בו יטמא טמא הוא ביד ישב מחוץ למחנה מושבו. When the כהן declares that the Metzora is cured from the צרעת he brings קרבנות and undergoes the process of טהרה. The Torah says that the כהן instructs that two birds shall be taken for the מצורע. However he is not described as a מצורע, rather the Possuk (ויקרא פרק יד פסוק ד) says: וצוה הכהן ולקח וצוה מטהר. The תורה calls him a מטהר even though he has not even begun the טהרה process and is still טמא. Why is he called מטהר at this stage of the process? The פסוק offers a beautiful insight to explain the מצורע. The man became a מצורע because of what he did, namely he spoke הרע (or one of the other 6 עבירות enumerated in the ערכין). The מצורע goes away when he does תשובה for his עבירה. Therefore, the תורה is calling him the מטהר because it was he, and he alone which caused the צרעת to disappear through his תשובה. He is called המטהר because of his accomplishment over the seven days when he was alone. Similarly in order to undo a נדר one needs to show חרטה for making the vow in the first place. This lesson is relevant for all of us, since in many situations we must realize it's up to us and no one else: אם אין אני לי מי לי

STORIES OF THE DAF

Forbidden bread

ונשאלין לנדרים שהן לצורך שבת

It used to be that many houses didn't have proper ovens. Before Shabbos, people would bring their kugels and challos to one of the town bakers and pay a small fee for the use of the communal oven. In many places, the women would wait for the bread to finish baking and then take it home. Very often, more than one trip was necessary to complete the Shabbos baking. Once there was a woman who brought her first batch to the baker and spent longer than usual away from home. This irritated the husband so much that when she finally came home, he made a neder that if she went to the same baker the bread would be prohibited.

The woman for her part felt that her husband was being irrational. Sometimes there was a bigger line or some other delay. She had a particular baker that she liked to use and she didn't plan on switching just because he is so needlessly jealous. She returned to her baker and finished her baking. On Shabbos the man regretted his rash words but what could he do? He knew that all of the Challah had been baked after his rash words. Was he prohibited from eating the Challah? Although there was plain bread in the house, this was not nearly as tasty as challah. Could a chacham annul his vow despite the fact that it was Shabbos? Or would he be forced to eat plain bread because of his hasty words?

He asked his Rav who consulted with the author of Yehudah Ya'aleh, zt"l. "You may definitely annul the vow with a chacham. The general rule is that you may annul a vow on Shabbos for the needs of Shabbos, as we find in Nedarim 77. Although you have plain bread in your house, since eating better food is part of the mitzvah of oneg Shabbos, your vow may definitely be annulled!"

HALACHA HIGHLIGHT

The appropriate clothing for the judge who annuls a vow

ירד ר' גמליאל מן החמור ונתעטף וישב והתיר נדר

R' Gamliel climbed down from his donkey, wrapped himself, sat down and released the person's vow.

Shach¹ cites the Yerushalmi (Nedarim 10:8) that rules that when one serves as a judge to annul a vow he must sit wrapped in his coat. This requirement to sit wrapped, explains Korban Ha'edah², is similar to the requirement for judges who sit in judgment, which Shulchan Aruch³ explains demands sitting wrapped in his coat. This prerequisite is also mentioned in our Gemara where we are told that R' Gamliel climbed down from his donkey and wrapped himself in his coat before he sat down to annul a person's vow. This comparison, however, leads to an interesting ramification. Shelah Hakodesh⁴ writes that nowadays it is no longer customary for judges to wrap themselves for judgment as they did in the past. The only similar practice that resembles the old custom, notes Shelah, is that he saw that his rebbe was particular to don the coat he wore when attending shul for judgment. Accordingly⁵, it would seem that one who sits for the purpose of annulling a vow is not required to wrap himself with his coat and it is sufficient to wear the coat one wears for davening.

Yerushalmi (ibid.) further discusses the appropriateness of annulling a vow wearing a plonus, a garment that covers the head and only part of the body (a less formal garment than the wrapping described in the previous paragraph). The Gemara's conclusion is that it is acceptable for annulling less severe vows. Korban Ha'edah⁶ explains that less severe vows refers to vows that can be annulled with regret (חרטה) rather than having to find an opening (פתח). The reason for the distinction is that vows that are annulled with regret do not require the same degree of concentration as do those that require the judges to find an opening; therefore they are not considered similar to judgment and the formality associated with judgment does not apply and wearing a garment that is respectful is sufficient.

As a practical matter, since nowadays we do not annul vows based upon regret alone and we look for an opening it is necessary for the judges to wear the formal garments that they wear when attending shul⁷.

1. ש"ך יו"ד סי' רכ"ח סק"ט
2. קרבן העדה לירושלמי פ"י ה"ה
3. שו"ע חו"מ סי' ח' סע' ב'
4. דבריו מובא בפת"ש חו"מ סי' ח' סק"ד
5. ספר כל נדרי פרק כ"א סע' כ"ג
6. קרבן העדה שם
7. ספר כל נדרי פרק כ"א סע' י"א

MUSSAR FROM THE DAF

Dissolution of Vows

תָּנוּ הַתָּם: ... וְנִשְׁאַלִין לְנִדְרִים שֶׁהֵן לְצוּרֵךְ הַשַּׁבָּת

"We learned in a Mishna: One may seek the dissolution of vows on Shabbos if they are for the sake of the Shabbos"

The Shulchan Aruch codifies this halacha and allows a person to undo a vow that prevents him from eating or drinking if doing so will enhance their Oneg Shabbos. Rav Zilberstein, Shlita, raises a modern dilemma: What if a person took a vow to abstain from sugar for health reasons (his physician prohibits him from sugar), but now, feeling the pull of the Shabbos table, wants to annul that vow to enjoy sweet treats? Can "health-related" restrictions be brushed aside under the guise of L'tzorech Shabbos?

Rav Zilberstein ends with a tzarich ayin but suggests the possibility that -- if a doctor has warned that a specific food is dangerous or will worsen a medical condition (as seen in the principles of damages in Bava Kama 85a), the vow cannot be annulled for the sake of Shabbos since consuming it is no longer L'tzorech Shabbos.

The Yetzer Hara (evil inclination) is an expert at dressing up damaging physical desires in the robes of "spirituality." It whispers that eating something medically prohibited to him is an act of Oneg Shabbos when in reality, it may be an act of self-harm.

This clarity, knowing that physical health is a spiritual mandate, was the hallmark of our leaders. Rav Yisrael Salanter was famous for his absolute submission to medical expertise, viewing a doctor's orders as a Halakhic ruling.

This is beautifully illustrated by a story involving Rav Yaakov Kamenetsky: Rav Yaakov was once prescribed a rigorous diet. At his follow-up appointment, his doctor was astonished to see that Rav Yaakov had followed the instructions with 100% precision. The doctor confessed, "I usually over-prescribe the restrictions, assuming patients will 'cheat' a little. I expected you to deviate slightly!"

Rav Yaakov's response serves as a pillar of Mussar: "To me, your instructions are not merely 'suggestions.' The Torah commands us to guard our health. Therefore, this diet is a Halakhic obligation. Just as I would never think to 'cheat' on the laws of Shabbos or Tefillin, how could I 'cheat' on the laws of my health?"

We see from here that true Oneg Shabbos is not found in indulging the body at the expense of its well-being. When we listen to a doctor's warning, we aren't missing out on Shabbos; we are sanctifying it.

POINT TO PONDER

The גמרא says that התרת נדרים is not like a דין because it could be done with relatives who are "פסול" for עדות or acting as a דיין. Would other "פסולין" be able to be מתיר נדר? For example a woman or a child under 13?

Response to last week's Point to Ponder:

The משנה writes "נדרה עד שלא תחשך וכו'" if she made the נדר shortly before it became dark he needs to do the הפרה right away, before it gets dark, what happens if he hears it בין השמשות? Can he be מיפר until it's definitely nighttime?

Since בין השמשות is neither night nor day, every second can be the second that transitions from day to night. If he hears the נדר in this time frame and waits, he may miss the opportunity to be מיפר because it's possible that it was still day when he heard it, but now it's already night. According to רבי עקיבא איגר, he must be מיפר it immediately, otherwise it will be a נדר. ספק הפרה which leaves her with the נדר.