

שבת קודש פרשת בהר-בחוקותי | מסכת נדרים דף פ'

INSIGHTS FROM OUR CHABUROS

Rationing water to drink or to do laundry

חיי אחרים וכביסתן, חיי אחרים קודמין לכביסתן

The Mishnah stated that abstaining from bathing is a form of self-affliction. Rebbe Yosi, however, is of the opinion that abstaining from bathing is not a form of self-affliction. The Gemara cites a Baraisa, where a city owns a spring of water which flows from their town to another city. If there is not enough water to suffice for all the needs of both municipalities, decisions must be made. For example, if there is only enough water to supply the needs of the first city, their lives take precedence over the lives of the people of the city downstream. If, after apportioning water for their own drinking there is more water, but they must choose between their having enough water to launder their clothes or to allow the water to flow and support the lives of the next city, the Baraisa rules that the lives of others takes precedence over the laundry needs of the city with the spring. Rabbi Yosi disagrees and says that their own laundering takes precedence over the lives of others.

Chasam Sofer notes that the opinion of Tanna Kama illustrates a fundamental rule in giving tzeddaka. The general rule is "the poor of your city come before the poor of other cities," yet we see here that providing water for others does come before the laundering needs of the city itself. The answer is that the local needs are given priority only when we are dealing with parallel needs. For example, if both cities need water to live, or if both cities need food or clothing—it is in these cases that the local needs take precedence. However, if the needs are different, as we see here where the local needs are to have water for laundry, and the other city needs water to live, here we say that the lives of others come before the local laundry needs.

The opinion of Rabbi Yose is that the local laundry needs are more important than the lives of the people of the neighboring city. This seems perplexing, and several approaches are suggested by the Rishonim to explain it.

ר"ן says that Rabbi Yose holds that not laundering clothes causes a great deal of physical pain. This is therefore considered a life threatening condition, and the local population is entitled to launder their clothes. Tosafos and Rosh say that Rabbi Yose holds that a person's physical discomfort is more important than someone else's life. In other words, if a person has a certain resource necessary for his personal welfare, it is not necessary for him to forfeit it for someone else's life. The אורח חיים writes that the case here is that the other city is not in danger without the water, but they would have to import water from somewhere else. Nevertheless, here Rabbi Yose says that the owners of the water may do their laundry, and they do not have to provide water for the convenience of their neighbors.

STORIES OF THE DAF "If you shall pain him..."

כביסתן קודמת לכביסת אחרים

The Maharsham, zt"l, said, "Every little pain caused to another human being causes one to transgress the prohibition of, 'If you shall pain him...I will kill you with a sword.' This is clearly written in Meseches Semachos which states that one reason why Raban Shimon ben Gamliel and Rabbi Yishmael ben Elisha died such a terrible death was that when people came with halachic questions they were told the Rav was unavailable. And we learn even more from Nedarim 80. There it states that if there is only a limited amount of water in a city, the laundry of those who live in the city takes precedence before the laundry of those from out of the city. Rabbi Yossi there goes even further. He says that the laundry of the inhabitants of the city even takes precedence over the drinking water for people from other cities. The Ran explains that one who cannot launder his garments undergoes tremendous emotional pain. Clearly causing another even a slight pain also transgresses this prohibition

He continued, "For this reason I warned my household, never to make people wait for an answer. Even if I am in the middle of a meal or asleep, I give them instructions to wake me so as not to cause pain to another." coupled with a slight nod would be taken as an affirming silence!

Rav Shach, zt"l, once noticed that people stopped arriving during mealtimes in his home. This surprised him, since people were accustomed to come with questions at all hours of the day and even into the night. One day, he became suspicious and surreptitiously approached the door immediately after the meal began. He was disturbed to find that his suspicions were correct; he caught a family member turning someone away. The gadol was hard of hearing and could no longer hear people's knock from where the family had always eaten their meals. From that day on, the Rosh Yeshivah insisted that they eat in the hallway right next to the front door. This afforded any-one the opportunity to disturb his meals with any question!

PARSHA CONNECTION

In this week's דף the גמרא discusses a conditional נדר. For example, a lady who says I will not bathe ever, if I bathe today. A תנאי (condition) is also found in פרשת בחקו-ת. The Possuk (ויקרא פרק כו פסוק ג) says: אם-בחקתי תלכו ואת-מצותי תשמרו ועשיתם אתם. The condition here is that IF we "walk" in the laws of the תורה we will be rewarded. In fact the גמרא in ע"ב refers to our דף when discussing how תנאים work, and their appropriate structure.

One of the promises which the Torah makes is the following: ונתתי גשמיכם בעתם ונת-נה הארץ יכולה ועץ השדה יתן פריו. This Possuk is promising that the land will produce its normal amount and the trees will produce the normal amount of fruit. Why is this a ברכה? The תנאים offers a unique explanation for the actual ברכה and explains that this פסוק needs to be understood in the context of the full ברכה. The next פסוק says: והשיג לכם דיש את-בצירי ובצירי ישיג את-זרעו ואכלתם לחמכם לשבע וישבתם לבטח. בארצכם ויזרע יצחק בארץ (בראשית פרק כו פסוק יב) in Sefer Breishis: מהו ויזרע ויבטח? The תנאים explains that הקב"ה wants us to notice the supernatural miracle that will happen when we follow the תורה and מצוות. If the harvest is large, a person may assume that the field is very fertile and their soil is why they have a large crop. However if the field produces its usual amount yet, when the farmer brings in the produce it grows, the miracle is obvious. The תנאים cites a מדרש on the Possuk (בראשית פרק כו פסוק יב) in Sefer Breishis: מהו ויזרע ויבטח? The Possuk is saying that it was only when he "counted" that he found 100 times the expected count. That's why it's says "וימצא" meaning he discovers, because the miracle occurred AFTER the harvest.

HALACHA HIGHLIGHT

Vows of affliction

רבי יוסי סבר ניוול דחד יומא לא שמיא ניוול

R' Yosi maintains that making herself ugly for a day is not called making herself ugly

The definition of a vow of affliction is a vow to refrain from something that will cause oneself affliction by refraining from that item. The degree of affliction, whether small or large, is not germane; as long as there will be affliction the husband/father can revoke the vow. Thus Shulchan Aruch¹ rules that not only is a vow to refrain from bathing categorized as a vow of affliction, but also even a vow that she will not sing or listen to music is categorized as a vow of affliction.

Poskim disagree whether there is a minimum duration of the affliction in order to be categorized as a vow of affliction. Rambam² rules that it doesn't make a difference whether the duration of the affliction is long or short: it is considered a vow of affliction and the father/husband can revoke the vow. The source for this position, explains Kesef Mishnah³, is our Gemara that implies that according to Rabanan, in contrast with R' Yosi, making herself ugly for one day is still considered making herself ugly. Since the Gemara does not draw any distinctions it seems that the reference to one day is not specific and making herself ugly for any duration of time is categorized as a vow of affliction. Aruch Hashulchan⁴ adds that although women do not necessarily bathe or apply make-up on a daily basis, nevertheless, once she prohibits herself from bathing or applying make-up she will be afflicted because the nature of people is to yearn for something that is prohibited.

Teshuvos Beis Yaakov⁵ disagrees and rules that affliction for less than a day does not qualify as affliction. A similar position is discussed by R' Akiva Eiger⁶. He explains that the only time affliction for a day is considered sufficient grounds to re-vote a vow is if she declared that she will never again eat fruit or bathe if she bathes today. This type of vow the husband is authorized to revoke and we do not say to her that she should not bathe today so that she will not trigger the prohibition because refraining from bathing for a day involves affliction. Therefore, it is reasonable to assume that she will bathe today and thus trigger a vow that will cause her ongoing affliction.

1. שו"ע יו"ד סי' רל"ד סע' ס"ב
2. רמב"ם פי"ב מהל נדרים הל' ד'
3. כסף משנה שם
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5. שו"ת בית יעקב סי' ב"
6. חידושי רעק"א ליו"ד שם סע' נ"ט

MUSSAR FROM THE DAF

Laundry before Lives

חיי אחרים וכבישתן – חיי אחרים קודמין לכבישתן
רבי יוסי אומר: כבישתן קודמת לחיי אחרים. השתא בכישה אמר רבי יוסי יש בה צער

Our Gemara (Nedarim 80b) brings a dispute between R' Yosi and the Chachamim regarding a city that possesses a spring of water. R' Yosi rules that the city's need to wash its laundry takes precedence over providing drinking water to a neighboring city. One can ask, how can the seemingly aesthetic or functional need for clean clothes override the Chayei Nefesh (life necessity), the actual survival of others?

The Gemara on 81a provides the essential insight: a lack of hygiene leads to עקמומיתא, a state of madness or delirium.

We must understand that R' Yosi is not discussing the mere discomfort of an individual, but the systemic collapse of the human structure (as he says the whole city needs the water for laundering clothes). A community that falls into collective delirium is in a state of Sakanas Nefashos (mortal danger). Without a sane population, the basic mechanisms of life, guarding against fire, managing medicine, and maintaining safety, cease to function. There is no longer a baseline to distinguish right from wrong, or danger from safety. Thus, preserving the Da'as (sanity) of the town is not a luxury; it is the primary life necessity, and therefore it precedes the needs of others.

The Rambam (Hilchos De'os 6:1) codifies that man is naturally drawn after the opinions and actions of his peers. If a person resides in a place where the norms are corrupted, and he must interact with the people he is at risk of losing his spiritual orientation, so much so that he must leave that town and potentially even live in the midbar (wilderness).

Just as a town without the means to remain clean will inevitably descend into a physical madness that threatens its very life, a community without Hadracha (spiritual guidance) will inevitably descend into a spiritual עקמומיתא

Leadership and Hadracha are not "extras" or measures of piety; they are needed for a society to function. Without a leader to act as the "Lucid Anchor"—correcting the perspective and standing against the Ruach Shtus of the generation, a community loses its executive function. They will begin to trade life for death and good for evil, unaware that they have lost their minds.

Therefore, the establishment of clear Hadracha and the presence of Gedolim is a matter of absolute survival. It takes precedence over all else, for it is the only force that preserves the Tzelem Elokim from dissolving into the chaos of society.

POINT TO PONDER

The Gemara says that the case in the Mishna of ארץ לא ארץ is talking about a situation whereby she made a שבועה to not bathe. Since she made a שבועה, how can the Mishna call it ארץ לא ארץ, meaning "if"? Obviously if she made a שבועה she will not violate it.

Response to last week's Point to Ponder:

The Mishna writes that if a wife makes a vow to not eat the produce of a certain grocery store, the husband can't be מיפר. Why does the Mishna change from earlier when the vow was from a certain country, and the Mishna said that he should bring from another country? It should say the same here, namely he should bring from a different store.

The Tosefta on the Mishna explains that a grocery store is not a big challenge for the husband, unless it's one where he has credit. So with a minor inconvenience he can go to another store even if the store that is the subject of the neder is closer, which the Mishna doesn't have to mention. Going to a different country is potentially a big hassle especially if it means leaving "her" country and going to a different one. When the Mishna says מדינה מדינה it's telling us that you are only required to bring from a different country when the neder doesn't forbid her from eating the fruit of her own country, but where the neder forbids the fruit of her own country, as the ר"ן says in that circumstance you could be מיפר.

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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