

**שבת קודש פרשת נשא | מסכת נדרים דף פ"ג**

This week's newsletter is dedicated in memory of הרב יעקב בן ר' קיים משה יצחק

**INSIGHTS FROM OUR CHABUROS**

**Why is the Oath of the Woman not one of Affliction**

**STORIES OF THE DAF** Lessons for the Living

רבא אמר לעולם בעל בכלל בריות הוא, ומה טעם קאמר, מה טעם אין יכול להפר מפני שיכולה ליהנות בלקט שכחה ופאה

יהחי יתן אל לבו

**T**he Mishnah presents a case of a woman who issued an oath not to benefit from "people". The halacha is that this vow is not considered נפש עניו, and she is not in a state of affliction. Consequently, her husband may not nullify her oath. Ulla and Rava each explain why this vow which prohibits her from obtaining food from any person does not constitute a financial crisis for the woman. Ulla explains that the husband himself is not included in the woman's reference to "people". Therefore, the woman can still benefit from him. The Mishnah continues and says that the woman may eat from the agricultural gifts left for the poor. According to Ulla, this information is actually irrelevant to the fact that the woman has the option to eat food provided by her husband. Nevertheless, the point is that even if her husband is poor and cannot furnish her with food, she will still not be in danger of starving.

**O**n today's daf Rav Meir says, "What is the meaning of the verse in Koheles: 'The living will take it to heart'? One who eulogized will be eulogized. One who cries over others will be cried over. One who buries others will be buried."

Rava explains that the husband is included in the woman's reference not to benefit from "people," and the only reason her oath is not considered one of affliction is that she may still eat from לקט, etc. Accordingly, Rava understands that the Mishnah's comment that the woman may eat from the gifts for the poor is precisely why the husband may not nullify her oath. ר"ן explains that in this regard, Ulla and Rava disagree as to how the Mishnah is to be read.

The Imrei Emes, zt"l, would comment, "Although Rashi learns that this is a promise of payment for these actions, the Derishah learns that contemplating one's mortality will lead one to teshuvah. This means that one who engages in this and thinks about the ultimate end of every person will do teshuvah."

The Keren Orah asks how the woman, in fact, can eat from the gifts for the poor that she might collect. The rule is that anything a married woman finds belongs to her husband. Consequently, as the woman collects these food items, they are owned by her husband, and her eating these agricultural items should be considered benefiting from her husband, which, according to Rava, is prohibited by her oath.

On the 20th of Adar 5761, an "atzeres hisorrerus," was arranged in the memory of a certain talmid chacham who had passed away. Rav Tzvi Yavrov, shlit"a, approached Rav Chaim Kanievsky, zt"l, and asked, "It says: 'Thirty days before Pesach one may not eulogize.' What is the exact definition of hisorrerus as opposed to hesped? What is the demarcation between arousing one to repentance and eulogizing?"

Keren Orah answers that it is the rabbis who instituted that any item found by the wife belongs to her husband. In this case, where she would have no means to be able to eat other than collect gifts for the poor, the ruling of the rabbis does not apply, and these items remain hers exclusive of her husband.

Rav Kanievsky replied, "A hesped is about the deceased. Hisorrerus is a discussion of issues about which the tzibur needs a wake-up call. Saying what we can learn from the niftar is also in this category."

**PARSHA CONNECTION**

In this week's דף the גמרא discusses a lady who made a נדר to be a נזירה and then became טמא. The Gemara suggests that even if the בעל was מפר maybe the הפרה applies only to the prohibition of wine and not to the איסור טומאה. The ר"ן explains that this does not present an issue of נזירות לחצאין since we find a similar precedent in the case of נזירות where there was an איסור on wine but not on טומאה. This week's הפטרה is about the נבואה that the שמשון's mother received from the מלאך instructing her while that the child she would have (שמשון) should be a lifelong נזיר. When she and her husband asked the מלאך what's his name was he said פלאי. In explaining his answer רבה writes that this is a reference to נזירות as the Possuk (במדבר ו ב) in our פרשה writes: *דבר אלי בני ישראל ואמרת אלהם: נזיר הוא לכהן על חזה התנופה ועל שוק התרומה ואחר ישתה הנזיר לה והניף אותם הכהן תנופה לפני ה' קדש הוא לכהן על חזה התנופה ועל שוק התרומה ואחר ישתה הנזיר לה ויין. "after sacrificing the קרבנות the נזיר will drink wine" why is he still called a נזיר? He can drink wine because he is no longer a נזיר? The מלאך explains that since we are talking about someone who wants to elevate their עבודה ה' this higher state remains with them even after the actual נזירות is over, hence he is still called a "נזיר".*

"But regarding what should the speakers issue their wake-up call?"

Rav Kanievsky responded, "Ask the rabbis what they think."

"But what topic should be discussed, in the Rav's opinion?"

Rav Kanievsky replied, "One of the four things the Mishnah warns brings pestilence in its wake is partaking of fruit of shevi'is, of the shemita year. It warns, 'Motzei Shevi'is on account of the fruits of shevi'is. The security situation in Israel now, during this year after shemita, is like a plague! Arabs surround us, so we need to strengthen shemita observance for protection!"

Rav Yavrov asked, "But aren't the attendees all careful regarding shevi'is?"

Rav Kanievsky answered, Nevertheless, learning about it and discussing it has an affect on the rest of the Jewish people. As Rav Yisrael Salanter, zt"l, said, "When the one learning all day in Eishyshok slackens from his Torah study, a student in Paris decides to break Shabbos!"

יכולה היא ליהנות בלקט שכחה ובפאה

*But she is permitted to benefit from leket, shikchah and peah*

THE Gemara rules that a woman may take leket, shik'chah and peah only if she is prohibited to derive benefit from her husband as well as the rest of the world. Ran<sup>1</sup> adds that if she is permitted to derive benefit from her husband she is not considered poor since she is supported by him. This comment of Ran is used by the Steipler Gaon<sup>2</sup> to answer a different question. The Gemara Sukkah (46b) states that one should not tell a child that he will give the child a gift and then not give the gift because it teaches the child to lie. Rav Elchonon Wasserman<sup>3</sup> asked why the Gemara only focuses on the issue of training the child not to lie when the person should be in violation of the prohibition against not following through on a pledge to give tzedaka, since the child is certainly poor since he has no possessions. The Steipler answers that the Gemara is discussing a child who is less than six years old whose father is obligated to provide him with financial support. Therefore, just like Ran states that a married woman is not considered poor since she has a husband who is supporting her, so too, a child is not considered poor since he has a father who is supporting him. Accordingly, the Gemara in Sukkah only addressed the issue of training the child not to lie.

The Steipler then suggests that the two cases are not similar. A man is obligated, by virtue of the kesubah, to support his wife which gives her a financial claim against him. This is as opposed to a child who has no financial claim against his father even though his father is obligated to support him. Perhaps therefore, only one who has a financial claim against another is not considered poor (the wife), but one who does not have a financial claim is considered poor (a child) even though he is supported by another. He concludes, however, that anytime a person is receiving financial support he is not considered poor since the mitzvah of tzedaka is to provide a person with what he is lacking. Therefore, for example, a yeshiva bachur who has no money of his own but is supported by his parents or the yeshiva may not receive matanos la'evyonim since he is not considered poor.

1. ר"ן ד"ה אימא סיפא
2. קהלות יעקב סוכה סי' כ"ט
3. קובץ הערות קונטרס ביאורי אגדה סי' ב' סק"ו

האשה שנדרה בנזיר, והיתה שותה יין, ומטמאה למתים הרי זו סופגת את הארבעים. הפר לה בעלה והיא לא ידעה שהפר לה, והיתה שותה יין ומטמאה למתים — אינה סופגת את הארבעים.

The Gemara discusses a case where a woman made a neder to become a nazir. The Gemara states that if she violates her nezirus, she receives forty lashes. However, if her husband was מפר her neder and she was unaware of the הפרה and nevertheless drank wine or became tamei l'meisim, she does not receive the forty lashes.

Yet the Mishnah in Nazir (daf 23) cites the opinion of R' Yehuda, who rules that she nonetheless receives מכות מרדות – rabbinic lashes. This requires explanation: if her husband was completely מפר the neder, why should she receive any lashes at all?

To answer this, let us examine a well-known Nesivos in Choshen Mishpat Siman ג רלג ס"ק ג. The Nesivos suggests a remarkable chiddush: even though one who eats an issur d'Oraisa b'shogeg still requires kapara and teshuvah, for an issur d'Rabbanan no kapara is needed whatsoever – it is as though he never transgressed at all.

The reasoning behind the Nesivos's position, as explained by the Acharonim is that issurei d'Oraisa are issurei cheftza – the forbidden object itself carries an intrinsic spiritual prohibition. Therefore even one who eats it b'shogeg requires kapara, because something spiritually negative entered the world through that act. Issurei d'Rabbanan, by contrast, are issurei gavra – the prohibition is placed upon the person, not the object itself. Consequently, when one violates a d'Rabbanan b'shogeg, with no conscious intent, there is nothing requiring kapara. (This is a daas yachid as many achronim argue on this chiddush)

With this framework, we can now understand our sugya. Once the husband was mefer the neder, the nezirus no longer existed. When the woman drank wine, there was no metzius of רע introduced into the world – no issur cheftza was violated, because objectively there was nothing forbidden. This is why she does not receive the forty lashes. However, the more dimension was very much present. In her own mind she fully believed she was intentionally violating her nezirus – she was consciously rebelling against what she understood to be the will of Hashem. For that inner act of rebellion, R' Yehuda holds she is obligated in Rabbinic מכות מרדות. And the name itself is deeply instructive – mardos derives from the word mored, underscoring that these lashes address precisely the rebellion dimension of the transgression, independent of any objective issur.

This teaches us a profound lesson. When we feel the urge to act against the will of Hashem, we must appreciate the full weight of what we are doing. Every עבירה carries two serious dimensions: we introduce a toxic spiritual negativity into the world, and we separately register an act of rebellion against Hashem's will. This applies whether the issur is d'Oraisa or d'Rabbanan – and even the mere intention to rebel, as we see from our sugya, carries its own gravity and consequence.

## POINT TO PONDER

The גמרא ר"ן ד"ה אמרי טומאת מת נמי אית לה צערא writes that the גמרא didn't say here that there is no נזירות לחצאין because we find such a phenomenon by שמשון. Since שמשון was a special situation which was created specifically for him by ה' how can the ר"ן use it as proof?

## Response to last week's Point to Ponder:

The גמרא says that if a lady made a נדר not to eat two loaves of bread and she is only upset about one of them, the husband can undo the whole נדר. The ר"ן writes that one of loaves is made of nice white flour while the other is dark and not as good. Why didn't he simply write that she only wants one bread, because she doesn't want to eat two? And both are the same.

The ספר דבר יעקב answers that since both loaves of bread are equally desirable to her, then both are considered נפש עינוי נפש, and he can be ניפר both. Perhaps we can add, that since both are the same we would need to rely on ברירה to determine which one is the one that he can be ניפר and the ר"ן didn't want to rely on ברירה.