

שבת קודש שבועות | מסכת נדרים דף פ"ב

This week's newsletter is dedicated in memory of חנה בת אברהם דוד

INSIGHTS FROM OUR CHABUROS

When is Abstaining from Food not an Affliction

אמר רבי יהודה אמר שמואל נדרה משתי ככרות באחת מתענה ובאחת אין מתענה

The rule is that a husband may nullify a vow of his wife if it concerns either personal affliction (עיניו נפש) or matters which affect the relationship between the husband and wife (דברים בינו לבינה). Rav Yehuda in the name of Shmuel presents a case about a woman who pronounces an oath to abstain from two loaves of bread. One of them is a loaf which she likes to eat, and the other is a loaf which she does not enjoy. ר"ן explains that the second one is a dry, tasteless loaf, and abstaining from it is not an affliction. The husband may nullify the vow for the first loaf, which the woman wishes to eat, but not for the second loaf, which does not represent a condition of affliction if she abstains from it. Rosh explains that the case is where both loaves are tasty, but these are the only loaves she has to eat for today. By the next day, she will have many more loaves from which to choose. Therefore, for today, she needs to eat one of the loaves, and abstaining from it will be an affliction, as she will thereby remain hungry. The other loaf about which she spoke in her vow which will be for the next day is superfluous, as she will have other food to eat instead, and she does not need to eat the second loaf. According to Rosh, by definition, whenever a person has other food to eat, a vow made about other specific foods is not considered a vow of affliction and the husband cannot nullify such a vow. However, רבי אברהם מן ההר explains that if one loaf is her favorite, or it is more tasty, and she issues a vow not to eat it, even if there are other loaves, but they are not as tasty, the vow is considered נפש עיניו.

According to the Gemara, there are situations where a vow to abstain from food is not in the category of נפש. Nimukei Yosef asks how this can be so, when the Tosefta teaches that even when the woman vows not to eat a particular food which she never tasted in her life, or even if she declares that she will abstain from a food that is damaging, this is a vow of affliction, and the husband can nullify it.

Nimukei Yosef answers that the Tosefta is dealing with a case where the woman desires to eat the food which she has prohibited from herself. In this case, even if the food is detrimental to her health, since she wants to eat it we understand that her oath includes this food. In this case, we do not use general definitions to interpret her words, but we follow her intentions, and abstaining from that food would be a form of affliction.

YOM TOV CONNECTION

In this week's דף the גמרא discusses a lady who makes a נדר that no Jew will derive any הנאה from her. On יום טוב we read מגילת רות and one of the reasons חז"ל give to explain why אלימלך left ארץ ישראל is that he did not want to support the less fortunate, even though he himself had plenty of food, based on the (שדי) which is a similar concept to our דף, when a lady says "נטולה רש"י" "אני מן היהודים".

Megillas Rus opens with the following Possuk: ויהי בימי שפט השפטים ויהי רעב בארץ וילך איש מבית לחם יהודה לגור בשדי מואב הוא ואשתו ושני בניו. In this opening פסוק the מגילה doesn't reveal his name, whereas in the next פסוק it says 'ושם האיש אלימלך וכו'. Why wouldn't the מגילה just tell us right away "וילך אלימלך ואשתו ושני בניו"? The הקדוש offers several answers two of them are as follows: when analyzing the first פסוק we see that Elimelech's destination is described as שדי which is in the plural (שדי) whereas the second פסוק says "ויהיו שם", which seems redundant since it already told us that they traveled there, so obviously when they arrived they were "there". The answer is that his original intent wasn't to settle in one area of מואב, which would be described as שדה rather they traveled to שדי plural meaning living here and there in מואב but not settling in any specific place. However once they arrived Elimelech decided to settle there. This is why his name is not mentioned right away, because his intention was good, however once he decided to settle which was wrong the מגילה calls him out by name. The second approach follows the חז"ל that אלימלך was from the ארץ ישראל and his עבירה was not davening for ישראל (Which implies that his prayers would have helped) If so why did such a צדיק fail? The answer is that it was not really his fault which is why it says וילך איש and doesn't mention his name. We find in תנ"ך the words "וילך איש" twice, once in פרשת שמות regarding עמרם and once regarding אלימלך. (See בעל הטורים, אלימלך regarding וילך איש being born, so too איש regarding וילך איש שמות) just like איש had a very important role, which is to bring about דוד המלך and דוד המלך which is also why we read this מגילה on שבועות נפטר was דוד המלך being that שבועות on מגילה.

STORIES OF THE DAF

Emergency Measures

מפר למתענה ואין מפר לשאין מתענה

There was a certain woman who was very distressed by her rapid weight gain. After paying careful attention to her eating habits, she concluded that her intake of certain fattening food between meals was the culprit. She felt forced to take drastic measures to stop her weight from skyrocketing any further. But no matter how much she tried, she couldn't resist the allure of the goodies in her house. Finally, after a long struggle, she had enough. She decided to make a neder not to eat sweets between meals.

After several days, she told her husband what she had done. The husband, a talmid chacham, immediately annulled her vow. After a moment he suddenly was struck with doubt. Perhaps a vow not to eat sweets between meals is not inui nefesh and cannot be annulled by a husband?

He decided to present Rav Yosef Shalom Elyashiv with his query.

Rav Elyashiv replied, "In Nedarim 82 we find that if a woman vowed not to eat two loaves, one of which she longs to eat and the second of which she has no desire to eat, her husband may only annul regarding the one she longs for. The Ran explains that she only longs for one since only one is finely sifted flour. The second bread is less tasty so she isn't interested in it. This is the psak of Shulchan Aruch as well. In any event, she didn't prohibit sweets except between meals. Who said that she experiences pain because of her neder? Especially since sweets are damaging to her health! If she has no pain, her husband may not annul.

Rav Elyashiv concluded, "Unless she is clearly pained by refraining from sweets between meals, she must annul in the ordinary manner, before three!"

HALACHA HIGHLIGHT

Is it permitted to take money from communal funds if one is prohibited to benefit from a member of the community?

יפר חלקר ומשמשתו

He should revoke her vow and she may cohabit with him

There was once a dayan who was supported by a community account that was funded by charitable donations and payment for various mitzvos made by the members of the community. One day one of the wealthy members of the community spoke harshly against the dayan. The dayan was offended by the wealthy person's remark and took a vow never to derive benefit from that person. This raised the question of whether the dayan is permitted to continue to take his salary from the community fund if it is at least partially funded by this wealthy individual.

The question was presented to the Maharit who began by citing the opinion of Tashbatz who maintained that as long as the wealthy person only makes his obligatory donation to the communal fund it is permitted for the dayan to continue to collect his salary, but if the wealthy person was to donate extra it would be prohibited for the dayan to take his salary from the communal fund. Maharit disagreed and wrote that since the dayan is collecting from the communal fund and not directly from the wealthy person there are no restrictions. The reason is that once the wealthy person fulfills his pledge, whether the obligatory amount or the voluntary amount, it is no longer his money and the dayan is thus permitted to benefit from that money. This idea that once the pledge is made it is no longer the donor's money is evident by the fact that he no longer controls what is done with the money.

After citing additional reasons to be lenient in this case Maharit cites our Gemara to demonstrate that the vow never really took effect. Our Gemara teaches that a vow does not take effect when there is a pre-existing obligation similar to a borrower who cannot declare his property prohibited to his lender to avoid repaying his loan. Similarly, since the wealthy person has an obligation to make his regular donations to the communal funds the vow is not going to exempt

1. שו"ת מהרי"ט ח"א סי' ה'

REVIEW AND REMEMBER

1. How does R' Huna know that the Mishnayos of this perek represent R' Yosi's opinion?
2. What vow is a husband not able to revoke?
3. Does the phrase אין יכול להפר always mean that he has no power to revoke the vow?
4. What is the dispute between Shmuel and R' Yochanan?

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 ד"ה אמר רבי יהודה אמר שמואל 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.

Response to last week's Point to Ponder:

The גמרא says that we should be careful with בני עניים because they are likely to become תלמי ומפני מה אין מצויין תלמי די חכמים לצאת תלמידי חכמים מבניהן. How are these two things connected? The fact that poor children are likely to become תלמידי חכמים is seemingly unrelated to children of תלמידי חכמים.

The ספר פתח עיניים explains that בני עניים are more likely to succeed in learning תורה because they don't indulge in worldly pleasures, and this is what the גמרא means, when it says הזהרו במפני מה אין מצויין תלמידי חכמים. He explains that this is why the גמרא connects the question of מפני מה אין מצויין תלמידי חכמים are focused on their learning and stay away from worldly pleasures, than children who grow up in such an environment would most likely have these values.

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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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

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