

14 Sivan 5775
June 1, 2015



Nedarim Daf 8

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Vowing to Perform a Mitzvah

Rav Gidel states in the name of Rav: How do we know that one can swear to do a *mitzvah*? The verse states: “I have sworn and I will fulfill, to guard Your righteous ordinances.”

The *Gemora* asks: Isn’t a person already sworn to uphold the *mitzvos* from (*the Giving of the Torah on* Har Sinai (and therefore this oath should not be effective)?

The *Gemora* answers: The teaching (*of Rav Gidal*) is that one is permitted (*and possibly a good practice, see Ran*) to encourage himself to perform *mitzvos* (*through making such vows*).

Rav Gidel also said in the name of Rav: Someone who says, “I will wake up and learn a certain chapter,” or “I will study this entire tractate,” has made a tremendous vow to the God of Israel.

The *Gemora* asks: Isn’t a person already sworn to uphold the *mitzvos*, and an oath cannot take effect when there is already another vow to that effect?

The *Gemora* anticipates an answer but rejects it immediately: Can it be that he is teaching us that one is permitted to make such a vow in order to encourage himself to do so? That cannot be, for didn’t Rav Gidel teach us this in his previous ruling?

The *Gemora* answers: Being that one could have exempted his daily obligation (from Sinai) to learn Torah through reciting *kerias shema* in the morning and at night, the oath takes effect.

Rav Gidel states in the name of Rav: One who says to his friend, “Let us wake up and study a certain chapter (*of Torah learning*),” he is obligated to do so (*i.e., he must arise earlier than his friend*). This is as stated in the verse: “And He said to me, ‘Get up and go to the valley and I will speak to you there’...and I went out to the valley and behold, the Glory of Hashem was standing there.” (7b3 - 8a2)

Excommunication in a Dream

Rav Yosef says: If someone was excommunicated in his dream, he requires ten people to release him from it. This is effective if they (the ten people) study Talmudic law, but those who recite Mishna but not Talmudic law (and definitely those who do not even study the Mishna), they cannot release him. If there are not ten people who study Talmudic law, then even those who recite Mishna but not Talmudic law may be used. And if there is not even ten of those people available, he should go and sit at a crossroads and give the greeting of “Shalom” – “Peace” (*and thereby receive “Shalom” back*) to ten passersby, until he eventually receives this greeting from ten people who study Talmudic law (and then he will be released from the excommunication).

Ravina asked Rav Ashi: If he knows who excommunicated him (*in his dream*), is he allowed to go to him to release him?

Rav Ashi responded: He was used (*by Heaven*) as an agent to excommunicate him but to release him, he was not made as an agent.

Rav Acha asked Rav Ashi: If he was excommunicated in his dream and then released from the excommunication (*in the same dream*), what is the law?

Rav Ashi responded: Just as wheat cannot be without chaff, so there cannot be a dream without some nonsense. [*This means that the part of the dream where he was released might not have been accurate.*] (8a2 – 8b1)

A Husband Representing his Wife

Ravina's wife had made a vow. He (Ravina) went before Rav Ashi and asked: Can a husband serve as an agent to convey the regret of his wife (*in order to have her vow annulled*)?

Rav Ashi answered: If they (*the judges*) are gathered together, he can (act as her agent). If not (*he has to gather them*), he cannot.

The Gemora notes: We derive three laws from here. One is that a husband can be an agent to convey the regret of his wife (*to permit a vow*). We also learn that a sage cannot permit a vow in the place of his teacher (for otherwise, Ravina would have annulled her vow himself). We also learn that when they were previously

gathered together, it is permitted (*for the husband to act as his wife's agent*).

The Gemora adds: However, regarding an excommunication, a sage may annul it even in the place of his teacher.

Additionally, an expert judge can annul an excommunication (after the sinner has repented). (8b1 – 8b2)

The Sun

Rav Shimon bar Zevid said in the name of Rabbi Yitzchak bar Tavla in the name of Rabbi Chiya Aricha from the academy of Rabbi Acha, in the name of Rabbi Zeira, in the name of Rabbi Elozar, in the name of Rabbi Chanina, in the name of Rabbi Meyashah, who said it in the name of Rabbi Yehudah bar Ila'i: What does the verse mean when it states: *and it will shine for you, those who fear My Name*? This refers to people who are scared to say the Name of Heaven in vain.

[*The verse states:*] *A sun of righteousness, and healing (in its rays)*. Abaye says: Learn from this that the dust of the sun (that are seen when the rays of sunlight stream through a window) heals.

The Gemora comments: This disagrees with Rish Lakish, for Rish Lakish said: There will be no Gehinnom in the future, but rather Hashem will take the sun out of its sheath. The righteous will be healed by it, and the evildoers will be judged with it. This is referred to by the verse: *And it will shine for them those who fear me, a sun of righteousness and healing*. Not only this (*that the righteous will be healed by the sun*), but they will also enjoy it, as the verse continues: *and they will go out and be fattened by (enjoy) it like calves who are*

being fattened. The evildoers will be judged by it as the verse says: *Behold the day will come when it will burn like an oven.* (8b2 – 8b3)

Quick Summary

* What is derived from the following verse: “I have sworn and I will fulfill, to guard Your righteous ordinances”?

One may swear to fulfill a *mitzvah*.

* What is Rav Gidel teaching us?

The oath serves as a stimulator to fulfill the *mitzvah*.

* What is the novelty in Rav Gidel’s second statement (“*I will study this chapter*”)?

Being that one could have exempted his daily obligation to learn Torah through saying *kerias shema* in the morning and at night, the vow takes effect.

* If someone is excommunicated in a dream, what should be done?

He should get ten people to release him from it.

* If he knows who put him in *niduy* (in his dream), can he go to him to release him from the *niduy*?

No!

* If he was put in *niduy* in his dream and then released from *niduy* (in the same dream), what is his status?

He is still excommunicated.

* What three things are learned from the following incident?

1) A husband can be a messenger to convey the regret of his wife (*to permit a vow*).

2) A person cannot permit a vow in the land of his Rabbi.

3) When they were previously gathered together, it is permitted (*for the husband to be his wife’s agent*).

INSIGHTS TO THE DAF

Oath to Fulfill a Mitzvah

The Ran and Rosh argue whether an oath to fulfill a *mitzvah* is binding in the sense that one would be in violation of “desecrating his word” for not keeping his promise. Ran understands that an oath on a *mitzvah* is not binding for the purpose of being liable for a *korban*, but is binding, and if he transgresses the *mitzvah*, he has violated the prohibition against desecrating his word. The Rosh seems to understand that it is not binding at all. This is also the opinion of the Ramban brought by Reb Akiva Eiger.

Reb Avi Lebowitz points out that based on this understanding, they also argue as to what the novelty of Rav Gidal’s teaching is. The Ran understands that the oath is binding and therefore obviously not an oath taken in vain, so the novelty is that one is encouraged to make these types of oaths (*even those who generally refrain from taking oaths*), for it will inspire him to fulfill the *mitzvah*. But, according to the Rosh that the oath is not really binding, the novelty is simply that by making such an “oath,” it is not an automatic violation of an

oath taken in vain, since it at least accomplishes a function of encouraging the person to fulfill the *mitzvah*.

Oath to Study a Certain Tractate

The *Gemora* states that when one makes a vow to learn a specific tractate, it is binding even in regard to a *korban*, and it is not regarded as a vow to fulfill a *mitzvah*. The reason is that since the Torah does not explicitly indicate an obligation to learn any more than just *kerias shema* in the morning and evening, the vow is completely binding on anything beyond what is explicitly stated in the Torah.

The *Reshash* asks that since one is not obligated to learn that specific tractate, the vow should be binding to learn that specific tractate? Actually, the *Ritva* uses this approach to understand what the *Gemora* is saying. Since one can fulfill their obligation with some other type of learning i.e. *kerias shema*, or any other tractate, therefore, when he makes a vow on a specific tractate, it is fully binding.

Tosfos writes that even if one makes a vow not to learn something specific, the vow is binding. *Reb Avi Lebowitz* cites *Reb Moshe* (*Dibros Moshe heora #43*), who explains that *Tosfos* cannot be understood to be saying that one is not obligated to learn all sections of Torah, because both the obligation of knowing Torah and the obligation of constantly learning Torah actually requires a person to learn all sections of Torah every day. While it may be impossible to do so, there is still technically an obligation on every single aspect of Torah. Therefore, *Tosfos* can only be explained like the *Ran* that the obligation to learn every section of Torah is not stated explicitly. Based on this, the *Rosh* and *Ramban* would hold that a vow not to learn even a

specific or obscure section of Torah on any particular day would not be binding at all.

DAILY MASHAL

Do not Delay

The *Gemora* states: One who says to his friend, "Let us wake up and study a certain chapter (*of Torah learning*)," he is obligated to do so (*i.e., he must arise earlier than his friend*).

The *Maharal* points out that he is obligated to arise even if his friend does not join him.

This explains that which we find in the *Gemora Kesuvos* (62b): *Rabbi Chanania ben Chachinai* was about to go away to study Torah towards the conclusion of *Rabbi Shimon ben Yochai's* wedding celebration. *Rabbi Shimon ben Yochai* said to him, "Wait for me until I am able to join you." He, however, did not wait for him, but went away alone and spent twelve years at the *Beis Medrash*.

Reb Chaim Shmeulwitz (*Sichos Mussar 66*) explains: The *Gemora* is teaching us that although if he would have waited, he would have had an excellent study partner in *Rabbi Shimon ben Yochai*, nevertheless, he did not wait, for there is grave danger in delaying even for one moment. It is worth it to pass up on a *chavrusa* such as *Rabbi Shimon ben Yochai* – as long as one immediately sets out to act upon his noble intentions.