

7 Elul 5775
August 22, 2015



Nedarim Daf 90

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

Daf Notes is currently being dedicated to the neshamot of

Moshe Raphael ben Yehoshua (Morris Stadtmauer) o”h

Tzvi Gershon ben Yoel (Harvey Felsen) o”h

May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

Before it Takes Effect

A certain man once vowed not to benefit from the world if he should marry before having studied *halacha*. He ran with his walking stick and wallet (*a metaphorical expression, meaning that he made every possible effort to study*), yet did not succeed in his studies (*and therefore, refrained from marrying*). Thereupon, Rav Acha the son of Rav Huna came and tricked him into marrying (*by telling him that the neder will not take effect; in truth, Rav Acha wanted him to marry, so the neder can be annulled*). Rav Acha then soiled him with dirt (*demonstrating to him that he needs to annul his neder immediately, in order for a launderer to wash his clothes*) and brought him in front of Rav Chisda.

Rava said: Who is such a wise man to do such a thing, if not Rav Acha the son of Rav Huna, who is a great man? For he holds that just as the *Chachamim* and Rabbi Nassan argue with respect to revoking a *neder* (*if it can be done prior to the neder taking effect*), so too, they argue with respect to annulment (*by a Chacham*).

Rav Pappi disagrees: Their argument is only with respect to revoking a *neder*, where Rabbi Nosson holds that the husband cannot revoke her *neder* unless it has taken effect, and the *Chachamim* maintain that the *neder* may be revoked (*and they each cite a Scriptural source for their opinion*). But with respect to annulment, they both agree that a *Chacham* cannot annul a *neder* unless it has taken effect, as it is written: *he shall not profane his word (the word “yachel” can also mean “effect”)*.

The *Gemora* attempts to provide support for Rav Pappi from the following *braisa*: If one makes a *neder* saying, “*Konam*, that I will not derive any pleasure from So-and-so and also from whomever will annul this *neder* for me,” he may seek annulment for the first one and then for the second one. If we would hold that a *neder* may be annulled even if it did not yet take effect, he should be able to annul either of the *nedarim* first! (*Why does the braisa rule that he annuls the first one first?*)

The *Gemora* rejects this proof by saying that the *braisa* does not clearly indicate which is the “first one” and which is the “second one.” (*Perhaps it is referring to the order in which these nedarim are annulled.*)

Rather, we can provide a proof to Rav Pappi from the following *braisa*: If one makes a *neder* saying, “*Konam*, that I will not derive any pleasure from So-and-so and I will become a *nazir* when I have the first *neder* annulled,” he first annuls the *neder* and then he may annul the *nezirus*. If we would hold that a *neder* may be annulled even if it did not yet take effect, he should be able to annul the *nezirus* first!

Then *Gemora* rejects this proof as well: This *braisa* may be reflecting the opinion of Rabbi Nosson (*who holds that a neder may only be annulled if it has already taken effect*).

Ravina said: Mereimar told me that your father had said the following in the name of Rav Pappi: Their argument is

only with respect to revoking a *neder* (where Rabbi Nossan holds that the husband cannot revoke her *neder* unless it has taken effect, and the Chachamim maintain that the *neder* may be revoked), but with respect to annulment, they both agree that a *Chacham* may annul a *neder* even if it has not taken effect, as it is written: *he shall not profane his word*, which would indicate that it may be annulled even if it did not yet take effect (*it is presently merely words*).

The *Gemora* asks on this version of Rav Pappi's opinion from the following *braisa*: If one makes a *neder* saying, "Konam, that I will not derive any pleasure from So-and-so and also from whomever will annul this *neder* for me," he may seek annulment for the first one and then for the second one. If we would hold that a *neder* may be annulled even if it did not yet take effect, he should be able to annul either of the *nedarim* first! (*Why does the braisa rule that he annuls the first one first?*)

The *Gemora* answers by saying that the *braisa* does not clearly indicate which is the "first one" and which is the "second one." (*Perhaps it is referring to the order in which these nedarim are annulled.*)

The *Gemora* asks from the following *braisa*: If one makes a *neder* saying, "Konam, that I will not derive any pleasure from So-and-so and I will become a *nazir* when I have the first *neder* annulled," he first annuls the *neder* and then he may annul the *nezirus*. If we would hold that a *neder* may be annulled even if it did not yet take effect, he should be able to annul the *nezirus* first!

The *Gemora* concludes that this *braisa* does indeed serve as a refutation to Rav Pappi (*in the second version*). (89b – 90b)

Mishna

At first they said that the following three women must be divorced and they also receive their *kesuvah*: One (*a wife of a Kohen*) who declares, "I am defiled to you (*I have been violated forcibly by another man*)," or "Heaven is between me and you (*my husband is impotent*)," or "May I be kept away from the Jews (*a vow to have no cohabitation with any of them; such a vow is assumed to be the result of the pain that cohabitation may cause her, and therefore justified*)." This ruling was afterwards retracted in order that a wife might not cast eyes upon another man and act immorally towards her husband. Instead, it was ordained that one (*a wife of a Kohen*) who declares, "I am defiled to you (*I have been violated forcibly by another man*)" must bring evidence in support of her statement; in respect of a woman who tells her husband, "Heaven is between me and you (*my husband is impotent*)," peace is made between them by way of a request addressed to the husband that he should treat his wife properly; and if a woman vowed, "May I be kept away from the Jews," the husband revokes his part of the vow and she may cohabit with him, though she remains removed from all other Jews. (90b)

With Respect to Terumah

They inquired: If the *Kohen's* wife said, "I am defiled to you (*I have been violated forcibly by another man*)," what is the *halacha* with respect to her eating *terumah*?

The Ra"n Elucidated

[*Perhaps it is with respect to her husband that she is not believed, so that she would not cast her eyes on another man, but with respect to terumah she would be believed.*]

Rav Sheishes said: She may eat *terumah*, in order that people should not question her children's lineage. Rava said: She may not eat *terumah*, for she can eat *chullin* (and

they won't necessarily think that she is prohibited from eating *terumah*).

Rava said: Rav Sheishes would concede that if she becomes a widow, she may not eat *terumah*. For his reason (*that people should not question her children's lineage*) is only applicable when she is married, but after she was widowed or divorced, we can say (*that the reason she is not eating terumah*) is because she was violated now. (90b)

Kesuvah for a Kohen's Wife

Rav Pappa said: Rava used to test us with the following: If the wife of a *Kohen* was violated, does she receive a *kesuvah* payment from her husband (*when he divorces her*)? Do we say that the violation of a *Kohen's* wife is just like the willingness of a *Yisroel's* wife (*since they both are rendered forbidden to their husbands*), and therefore, she does not receive a *kesuvah* payment, or perhaps she can say to him, "I am fit to remain married; it is my husband whose "field became flooded" (*his own bad luck*), and therefore, she should still be entitled to her *kesuvah* payment?

We resolved the inquiry from the *Mishna*: A woman who said, "I have been violated," receives her *kesuvah* payment. What is the case of the *Mishna*? If it is referring to a *Yisroel's* wife, and she was defiled willingly, would she receive her *kesuvah* payment? If she was violated, would she become forbidden to the husband? Rather, it is referring to a *Kohen's* wife. If she was defiled willingly, would she receive her *kesuvah* payment? Rather, she was violated, and the *Mishna* rules that she receives her *kesuvah* payment. (90b – 91a)

INSIGHTS TO THE DAF

The Violation of a Kohen's Wife

The *Mishna* stated: At first they said that the following three women must be divorced and they also receive their *kesuvah*: One (*a wife of a Kohen*) who declares, "I am defiled to you (*I have been violated forcibly by another man*)," or "Heaven is between me and you (*my husband is impotent*)," or "May I be kept away from the Jews (*a vow to have no cohabitation with any of them; such a vow is assumed to be the result of the pain that cohabitation may cause her, and therefore justified*)." This ruling was afterwards retracted in order that a wife might not cast eyes upon another man and act immorally towards her husband. Instead, it was ordained that one (*a wife of a Kohen*) who declares, "I am defiled to you (*I have been violated forcibly by another man*)" must bring evidence in support of her statement; in respect of a woman who tells her husband, "Heaven is between me and you (*my husband is impotent*)," peace is made between them by way of a request addressed to the husband that he should treat his wife properly; and if a woman vowed, "May I be kept away from the Jews," the husband revokes his part of the vow and she may cohabit with him, though she remains removed from all other Jews.

The Meiri writes that it became common for women to cast their eyes upon other men, and they would gain their release from their husband with these claims. Even in the case where she made a *neder* prohibiting cohabitation with all Jews, they were still concerned that she might later petition a sage to have the *neder* annulled.

The Ra"n asks: If with these claims, she is believed, and therefore, halachically forbidden to her husband, how did the *Chachamim* permit her to her husband? Where has the prohibition gone?



The Ra"n answers that the *Chachamim* have the authority to retroactively take away their marriage, and it would emerge that at the time that she was violated, she was unmarried, and therefore, she is legally permitted to her husband. The *Chachamim* have this right, for any marriage is contingent upon the consent of the *Chachamim*, and if they see a reason to nullify the *kiddushin*, they may do so.

The Ra"n suggests an alternative answer: In truth, the woman should not be believed with respect to these claims, because she cannot release herself from her obligations to her husband. The initial ruling believed her to be speaking the truth, for otherwise, she would not have disgraced herself with these claims. Afterwards, when their level of morality deteriorated, and they realized that the women were casting their eyes upon other men and falsely claiming that there were grounds for divorce, the *Chachamim* rejected her claim.

The Rishonim ask: Why don't we apply the principle of "*shavya a'nafshei chaticha d'issura*," one who states that something is forbidden, even if he is not believed in respect to everyone else, renders the object forbidden to him? If so, she should be forbidden to him, even if we do not believe her!

Tosfos quotes from Rabbeinu Eliezer that a *Kohen's* wife who is violated is forbidden as a *zonah*, is only a prohibition on the *Kohen*, but not on her, so since she is not believed, she is permitted to remain with him.

DAILY MASHAL

Sweetness of Torah

The Gemora in Kesuvos relates: Kalba Savua was the father-in-law of Rabbi Akiva. Originally, he participated in this relationship reluctantly. Indeed, when his daughter,

Rachel, married Rabbi Akiva, who was at that time illiterate, he disinherited her from his fortune. Chazal relate that when Rabbi Akiva, who had become a famous scholar, visited the city where Kalba Savua lived, his father-in-law, unaware of his relationship with the great Torah leader, came to annul his vow. He was getting on in years, and it hurt him to cut his daughter off from his possessions. A *neder*, however, is a vow that must be annulled by a Torah scholar. Who was a greater scholar than Rabbi Akiva?

Rabbi Akiva asked his father-in-law, "Had you known that the illiterate shepherd whom your daughter married would one day become a distinguished Torah scholar, would you have nonetheless made the vow?"

Kalba Savua replied, "If he could master even one chapter or one halachah, I would never have uttered the vow." Rabbi Akiva then informed him that he was that illiterate shepherd, and Kalba Savua immediately kissed him and gave him half his fortune.

There is a powerful lesson to be derived herein. At first, Kalba Savua overcame his normal filial fatherly love for his daughter and disinherited her, because she was marrying an *am ha'aretz*, illiterate, unknowledgeable man. Had he known that his future son-in-law could master even one halachah, he would have accepted him. Why? Because Torah meant so much to him that even one halachah would have made the difference. Had Rabbi Akiva known anything, Kalba Savua would have never given up his daughter. Torah was that important to him. When a man is *machshiv*, values, Torah so much, he is rewarded with a son-in-law of the stature of Rabbi Akiva. Hashem's recompense is commensurate with our value system. He gives us what we value, and what we deserve.

Rabbi A. Leib Scheinbaum in *Peninim* on the Torah continues: While valuing Torah is all-important, how we present this value can sometimes play a significant role in

the message we seek to convey. We recite daily the brachah, blessing, V'haarev na Hashem Elokeinu es divrei Torasecha, "Please, Hashem, our G-d, sweeten the words of Torah in our mouth." We understand that while we must overcome a number of challenges in our effort to study Torah, we ask once this effort has been expended, the words of Torah become sweet to our mouths, that we develop a cheshkas ha'Torah, a desire, and enjoyment in this endeavor. This appreciation of Torah, the tremendous enjoyment that one derives from its study, is to be conveyed both verbally and by action.

How does one develop a sweetness in Torah? How does he "taste" this unique joy and pleasure from learning Torah? Horav Shimon Schwab, zl, recounts that he once spent Shabbos as a guest of the Chafetz Chaim, zl, who rendered the following exposition concerning the "V'haarev na" associated with Torah study. The Chafetz Chaim first cited Chazal, who state that the manna's taste changed according to the thoughts of each individual who ate it. "What taste was there to the person who did not give any thought to its taste?" asked the Chafetz Chaim. Silence. All those seated at the table remained silent. The Chafetz Chaim said, "Let me tell you. When there is no thought, there is no taste! The manna was a spiritual food. A spiritual entity receives its taste in accordance with the thought one puts into it. This is why we ask Hashem daily to 'please sweeten the words of Torah in our mouth.' If one sits in front of a sefer and simply reads the words by rote without applying his mind and thought process to this endeavor, his learning will have no taam, taste. It will be bland and uninspiring. He will not be stimulated by the learning experience, because he did not apply his mind to it." Torah study is ruchniyus, spiritual in nature, and one must, therefore, engage his mind as he utters the words, so that he tastes the sweetness of Torah.

Our gedolei Yisrael, Torah leaders, tasted the sweetness of Torah and imparted it to their students. The inner joy

they experienced when they studied Torah was their greatest source of pleasure. They would captivate their students with this joy and, thereby, embolden them to follow suit.

The V'haarev na of Torah study was palpable on Simchas Torah when the talmidim, students, of Yeshivas Etz Chaim would watch in awe as their venerable Rosh Hayeshivah, Horav Isser Zalmen Meltzer, zl, would dance a special dance in which only small children were allowed in the circle. Here was a man who was a world Torah scholar, a sage who guided world Jewry at a time when there were many great scholars, a pious and virtuous individual whose whole life was dedicated to the pursuit of Torah and mitzvos. Yet, he took the time, despite his weakened state of health, to dance with little children who were just beginning to study Torah. Why? Because he wanted to impart a very special message: Torah is sweet. It is the greatest source of enjoyment!

This was indicated by the fervor and passion that Rav Isser Zalmen manifest during this dance. He would close his eyes in concentration and begin humming a niggun, tune. Immediately, the children picked up the tune. After all, they were acutely familiar with it, having recently learned it in cheder. The Rosh Hayeshivah would sing, "Kametz aleph - ah! Kametz bais - bah! Kametz gimmel - gah!" Each stanza was repeated by the children. The aged Rosh Hayeshivah would sing, and the children would burst forth with their refrain. This dance would go on for close to half an hour until the sage, who was already over eighty years old, submitted to his physical condition and sat down. This was a dance of innocence and purity, but above all, it was a dance of sheer, unadulterated joy. The Rosh Hayeshivah, who had devoted his entire life to Torah, was teaching these little children how sweet Torah study is. His lesson and the unique manner in which he taught it remained with them throughout their lives.