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Nedarim Daf 20

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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

The Mishnah had stated: Rabbi Yehudah says: If one vowed but did not specify the *terumah* [he was referencing, in Yehudah, they are forbidden, while in the Galil, they are permitted, as people in the Galil are not familiar with the *terumas ha'lishkah* (as they were far away from Yerushalayim and therefore did not commonly talk about it)].

The Gemora asks: We may infer from this ruling that if they would be familiar with it, they would be forbidden.

Evidently, we rule stringently in a case of doubt. But let us consider the end of the Mishnah: Additionally, if one vowed but did not specify the "*cheirem*" (he was referencing), in Yehudah, they are permitted, and in the Galil, they are forbidden, as people in the Galil are not familiar with the *cheirem* given to *Kohanim*. We may infer from this ruling that if they would be familiar, they would be permitted. **Evidently, we rule leniently in a case of doubt!?**

Abaye answers: The end of the Mishnah follows the opinion of Rabbi Eliezer ben Tzadok, for it was taught in a braisa: Rabbi Yehudah said: If one vowed but did not specify the *terumah*, in Yehudah, they are forbidden. Rabbi Eliezer ben Tzadok said: If one vowed but did not specify the "*cheirem*" (he was referencing), in the Galil, they are forbidden. (19b2 – 19b3)

Mishnah

The *Mishnah* lists examples where one is believed to explain his statement in a manner (*even farfetched*) that will render his *neder* ineffective:

If one vowed, "This is a *cheirem* to me," and he later explained that he was referring to a fishing net.

If one vowed "by a *korban*," and he later explained that he was referring to an offering given to kings.

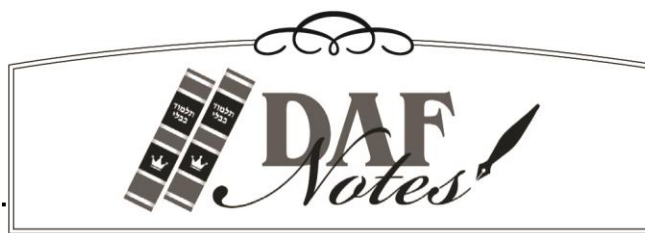
If one said, "Behold, my self is an offering," and he later explained that he was referring to a bone designated for *nedarim*.

If one vowed, "*Konam*, my wife to derive pleasure from me," and he later explained that he was referring to his first wife, whom he had divorced.

Regarding all these cases, it is not necessary to ask a sage to annul these vows. If he did ask, we punish them and treat them stringently (*the Gemora will explain*); these are the words of Rabbi Meir. The *Chachamim*, however said that we find an opening from elsewhere in order to annul his vow. We instruct him to fulfill this *neder*, for otherwise, it will result in a laxity regarding *nedarim*. (20a1)

We Punish him and Treat him Stringently

The *Gemora* asks an apparent contradiction in the *Mishnah* itself: First, the *Mishnah* states that it is not



necessary to ask a sage to annul these vows. But then the *Mishnah* teaches us that if he did ask, we punish them and treat them stringently! (*Should he go to the sage or not?*)

Rav Yehudah answers: The following is what the *Mishnah* is teaching us: If a Torah scholar made any of these vows, it is not necessary to ask a sage to have them annulled (*since his explanation is believed although it is farfetched*). However, if an ignorant person (*who lacks credibility*) comes to the sage, we punish him and treat him stringently.

The *Gemora* explains: We treat him stringently in the sense that the sage does not annul this vow based upon regret (*but rather, only through an opening; it is fairly easy to annul a vow by saying that the vower regrets the fact that he made this neder; an opening, on the other hand, is not so simple, for we must say that if the vower would have been aware of the ramifications of the neder, he would not have made the neder in the first place*).

The *Gemora* asks: What does it mean that we punish him?

The *Gemora* cites a *Baraisa*: If one vowed to become a *nazir* and then violated his vow, we do not become involved with his case unless he observes his vow for the same amount of days that he had violated it; this is the view of Rabbi Yehudah. Rabbi Yosi said: This applies only to a short *nezirus* (*thirty days*); but in the case of a long period of *nezirus*, thirty days is sufficient (*if he had vowed to be a nazir for a hundred days, violated his vow for fifty days, and then desired to be released, it is enough to observe thirty days only, and then he may be released*). (*This is what the Mishnah meant that we punish him.*)

Rav Yosef said: Since the Rabbis have decreed that we do not become involved with his case, if a *Beis Din* does attend to it before the allotted amount of time, it has not act properly.

Rav Acha bar Yaakov said: That *Beis Din* is excommunicated. (20a1 – 20a3)

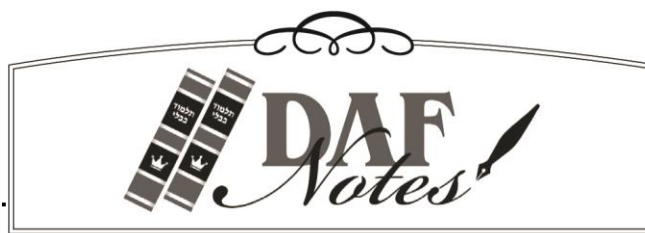
Matters that can Lead to Sin

The *Mishnah* had stated: The *Chachamim*, however said that we find an opening [from elsewhere in order to annul his vow. We instruct him to fulfill this *neder*, for otherwise, it will result in a laxity regarding *nedarim*].

The *Gemora* cites a *Baraisa*: You should not make a practice of vowing, for ultimately you will transgress in the matter of oaths; and do not frequent an ignorant person, for eventually he will provide you with produce that is *tevel* (*food that terumos and ma'asros were not separated from it*); and do not associate with an ignorant *Kohen*, for eventually he will give you *terumah* to eat; and do not converse excessively with women, as this will ultimately lead you to acts of lewdness.

Rav Acha the son of Rabbi Yoshiah said: One who gazes at women will eventually come to sin, and one who looks even at a woman's heel will have children lacking good character. Rav Yosef said: This applies even to one's own wife when she is a *niddah*. Rabbi Shimon ben Lakish said: The "heel" that is stated in the *Baraisa* is referring to the woman's *ervah* (*genitalia*), which is directly opposite the heel.

It was taught in a *Baraisa*: It is written [Shmos 20:17]: *And Moshe said to the people, "Fear not, for God has come in order to exalt you, and in order that His awe*



shall be upon your faces, so that you shall not sin." This is referring to shame (*where a sense of shame is said to be one of the characteristics of the Jew; this came about because of what they experienced at the Revelation*). *So that you shall not sin* teaches us that shame leads to fear of sin. Hence it was said that it is a good sign if a man possesses the characteristic of shamefacedness. Others say: One who is bashful will not easily sin; and regarding one who is not shamefaced, it is certain that his ancestors were not present at Mount Sinai. (20a3 – 20a4)

Conversing During Cohabitation

Rabbi Yochanan ben Dehavai said: The ministering angels told me four things: People are born lame because they (*their parents*) overturned their table (*i.e., practiced unnatural cohabitation; when the wife turned away from her husband during cohabitation; cohabitation in which the wife is on top of the husband, or it is referring to unnatural cohabitation - sodomy*); there are mute people because they kiss "that place" (*the woman's ervah*); there are deaf people because they converse during cohabitation; there are blind people because they look at "that place."

The *Gemora* asks: But this contradicts the following: Imma Shalom (*Rabbi Eliezer's wife*) was asked, "Why are your children so beautiful?" She answered, "It is because my husband 'converses' (*cohabits*) with me neither at the beginning of the night nor at the end of the night (*a time that other women are in the street and he was concerned that he might think of them*); but only at midnight. And when he 'converses,' he uncovers a handbreadth and covers a handbreadth (*he was otherwise clothed*), and is as though he were compelled by a demon (*in terms of speed*). And when I asked him, what is the reason for this? He replied: It is in order that I may not think of another woman, lest my

children would be as *mamzeirim*. (*It would seem that they were conversing during cohabitation!?*)

The *Gemora* answers: There is no difficulty: This refers to conjugal matters (*this is permitted in order to put the woman in a proper state of mind*); the other refers to other matters. (20a4 – 20b1)

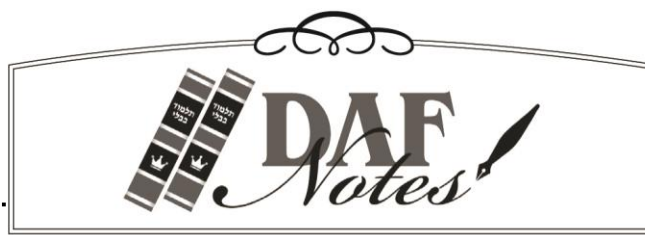
Improper Methods

Rabbi Yochanan said: The above is the view of Rabbi Yochanan ben Dehavai (*who said that people are born lame because they overturned their table*); but our Sages said: The *halachah* is not as Rabbi Yochanan ben Dehavai, but a man may do whatever he pleases with his wife during cohabitation. A parable to this is meat which comes from the butcher's store: It may be eaten salted, roasted, cooked or stewed. And so it is with fish from the fishmonger.

Ameimar said: Who are the 'ministering angels?' They are the Rabbis. For should you maintain it literally, why did Rabbi Yochanan say that the *halachah* does not follow Rabbi Yochanan ben Dehavai? Wouldn't the angels know more about the formation of the fetus than we? And why are they referred to as 'ministering angels?' It is because they are as distinguished from the rest of the people just as the ministering angels.

A woman once came before Rebbe and said, "Rebbe! I set the table before my husband, but he overturned it." Rebbe replied: "My daughter! The Torah has permitted you to him; what then can I do for you?"

A woman once came before Rav and complained. "Rebbe! I set the table before my husband, but he overturned it." Rav replied, "Why does this differ from the manner in which one may eat a fish?"



Scripture writes [Bamidbar 15:39]: *And you shall not follow your heart*. From here Rebbe said: One should not drink from this cup and have his mind on a different cup (*one should not think of another woman during cohabitation*). Ravina said: This *halachah* is true even if both women are his wives.

It is written [Yechezkel 20:38]: *And I will select from among you the rebels and those that transgress against me*. Rabbi Levi said: This refers to children of people belonging to the following nine categories: children of fear (*if the husband cohabits with his wife even when she doesn't want to*) and children of a violated woman (*he forced himself upon his wife*); children of a hated wife; children of an excommunicated parent; children of a woman mistaken for another (*he cohabited with one wife thinking she was his other wife*); children of strife; children of intoxication; children of a wife whom the husband decided to divorce; children of a mingling women (*such that the true father cannot be determined*); children of a brazen woman.

The *Gemora* asks: But that is not so? For did not Rabbi Shmuel bar Nachmeini say in the name of Rabbi Yonason: One who is summoned to his marital duty by his wife will have children such as were not to be found even in the generation of Moshe, for of the generation of Moshe it is written: Get you from each one of your tribes, wise men and understanding, and full of knowledge, and then it follows: So I took the heads of your tribes, wise men and full of knowledge, while men of 'understanding' he could not find, whereas in the case of Leah it is written in Scripture, 'And Leah went out to meet him, and said: You must come to me, for I have surely hired you,' and subsequently it is written, 'And of the children of Yissachar, men that had understanding of the times.'

The *Gemora* answers: It is virtuous only when the wife acts in a pleasing manner (*but not when she demands brazenly*). (20b1 – 20b4)

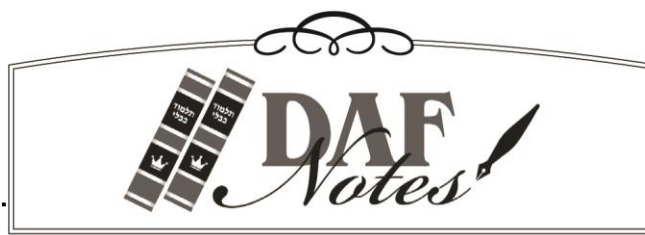
WE SHALL RETURN TO YOU,
VE'EILU MUTARIN

INSIGHTS TO THE DAF

The Children of Yaakov and Leah

The *Gemora* states: It is written [Yechezkel 20:38]: *And I will select from among you the rebels and those that transgress against me*. Rabbi Levi said: This refers to children of people belonging to the following nine categories (*the children will be adversely effected when they are born from such a union*): Children of fear (*if the husband cohabits with his wife even when she doesn't want to*) and children of a violated woman (*he forced himself upon his wife*); children of a hated wife; children of an excommunicated parent; children of a woman mistaken for another (*he cohabited with one wife thinking she was his other wife*); children of strife; children of intoxication; children of a wife whom the husband decided to divorce; children of a mingling women (*such that the true father cannot be determined*); children of a brazen woman.

The commentators ask from our forefather Yaakov: Cohabiting with Leah on their wedding night should have been forbidden based upon our *Gemora*? Firstly, Yaakov thought that she was Rachel! Our *Gemora* states that a union with a woman who was mistaken for another can produce degenerate children! Secondly, the Torah describes Leah as being hated. How then could Yaakov cohabit with her? Furthermore, the Ramban cites a Medrash that Yaakov hated Leah for colluding with her father and for not informing him



who she truly was on her wedding night. The Medrash states: Once Yaakov saw that Leah tricked her sister, he resolved to divorce her. This is what Leah was alluding to when she called her second son, Shimon. Why was Yaakov permitted to be intimate with her under such circumstances?

There are several answers on these questions. The Ra'avad says that during the act of intimacy, Yaakov was at peace with Leah and did not harbor any ill feelings towards her.

The Beis Yosef answers that Leah was not as "well liked" by Yaakov as Rachel was, but she was not actually hated.

The Ra'avad continues that in truth, these prohibitions were only applicable after the Torah was given; they did not apply to Yaakov (*in a similar vein; that is how some explain the fact that Yaakov married two sisters*).

The Magen Avraham writes that Yaakov actually realized that it was Leah when she entered the *chupah*. Hence, at the time of cohabitation, he did not mistake her for Rachel.

The Alshich explains that the Gates of Heaven accepted the tears of Leah and caused Yaakov to never even realize that he was cohabiting with Leah (*seemingly, he maintains that the adverse effect of having children from 'an exchanged woman' is only applicable if he realizes during cohabitation that she is the wrong woman*).

P'ninei HaDaf - Lublin

DAILY MASHAL

Shame

Rebbe (Brachos 16b) prayed after the morning prayer that Hashem save him from "brazen individuals and from the trait of brazenness."

Tosfos (Taanis 7b) explain that a person's brazenness is a sure indication that he has stumbled in sin and persists in his defiance. The brazen person is impervious to reproof, even when it is delivered in the appropriate manner. That is why the Mishnah (Avos 5:20) teaches, "The brazen one goes to Gehennom, but the shamefaced one goes to the Gan Eden".

Why is brazenness associated with "panim" -- one's face? "Praying with Passion" cites our Gemora which explains that the purpose of the awesome phenomena of the Revelation at Mount Sinai was to imbue the Jewish people with the characteristic of shamefacedness, as the verse (Shemos 20:17) states, '...So that the awe of Hashem will be on your faces'. This refers to the characteristic of being susceptible to shame.

Orchos Tzadikim (Shaar HaBushah) explains that "on your faces" implies a reference to shame, which is discernable on a person's face. This teaches that shame leads to fear of sin because one will refrain from sin in order to avoid feeling shame before Hashem (Shitah Mekubetzes, Nedarim 20a).