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Nedarim Daf 40

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Daf Notes is currently being dedicated to the neshamot of

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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

Visiting the Sick

The *Gemora* cites an incident: Rav Chelbo fell ill. Thereupon, Rav Kahana went out and proclaimed: Rav Chelbo is sick. But no one visited him. He rebuked them, saying, “Did it not once happen that one of Rabbi Akiva’s students fell ill and the Sages did not visit him? Rabbi Akiva himself went to visit him, and because they swept the ground and settled the dust before him (*as per Rabbi Akiva’s instructions*), he recovered. ‘My master,’ said the student, ‘you have revived me!’ Rabbi Akiva went out and lectured: He who does not visit the sick is regarded as if he spills blood (*since it may lead to his death*).”

When Rav Dimi came from *Eretz Yisroel* to Bavel, he said: Anyone who visits the sick causes him to live, and if he refrains from visiting, he causes him to die.

The *Gemora* asks: How does he cause him to die? If you will say that one who visits the sick and prays for mercy that he should live, and one who doesn’t visit the sick will pray that he should die, do you actually think that someone (*even if he is not his friend*) would pray for the other to die?

The *Gemora* answers: One who does not visit the sick will not pray that he should live or that he should die (*and if he would have prayed for mercy, the sick person might have ended up living*).

On the first day that Rava fell sick, he would ask that his sickness should not be made known to any one hoping

that his fortune would not worsen. But after that, he would tell his servants, “Go out and proclaim my illness in the market place, so that whoever is my enemy may rejoice, and it is written [Mishlei 24: 17 – 18]: *Do not rejoice when your enemy falls ... lest Hashem see it and it displeases Him, and He will turn away his wrath from him (this would be pleasing to Rava)*. And whoever loves me will pray for me.

Rav said: He who visits the sick will be delivered from the punishments of Gehinom, for it is written [Tehillim 41:2]: Praiseworthy is he that considers the poor, Hashem will deliver him on the day of evil. “The poor” refers to the sick and “evil” refers to Gehinom.

Now, if one does visit the sick, what is his reward in this world? *Hashem will preserve him, and keep him alive, and he will be fortunate upon the earth, and You will not deliver him to the will of his enemies* [Tehillim 41:3]. *Hashem will preserve him from the Evil Inclination; and keep him alive from his sufferings; and he will be fortunate upon the earth that all will take pride in him; and You will not deliver him to the will of his enemies that he may procure friends like Naaman had who healed his skin disease (when he heeded his servant’s advice to listen to Elisha’s instructions); and he will not have friends like Rechavam’s, who divided his kingdom. (Upon the death of King Solomon, Rechavam, his son, took the counsel of his young advisors and increased the taxes on the people. As a result, they rebelled and appointed Yeravam ben Nevat of the tribe of Efrayim as their king.)*

It was taught in a Baraisa: Rabbi Shimon ben Elozar said: If young men tell you to build and elderly men tell you to destroy, you should listen to the elders and do not listen to the youth (destroy and do not build) because the building of the young is actually destroying and the destroying of the elderly is building. The Gemora cites Rechovam, the son of Shlomo as a proof to this (*he listened to the advice of the young ones and not the elders – he eventually lost the kingdom because of this*).

Rav Shisha the son of Rav Idi said: One should not visit the sick during the first three hours of the day or the last three hours of the day, so he shouldn't omit to pray for him. The Gemora explains: During the first three hours of the day, his mind is at ease (*he feels better in the morning*); in the last three hours, his sickness is more severe (*and the visitor might think that praying would be useless*).

Ravin said in the name of Rav: From where do we learn that Hashem sustains a sick person? It is written [Tehillim 41:4]: *Hashem will fortify him on the sickbed.*

And Ravin said in the name of Rav: From where do we learn that the Divine Presence rests above the head of a sick person? It is written: *Hashem will fortify him on the sickbed.*

The Gemora cites a Baraisa supporting this view: One who goes to visit a sick person should not sit on the bed, nor a bench or a chair; rather, he should wrap himself in a cloak and sit on the ground, because the Divine Presence rests above the head of a sick person, as it is written: *Hashem will fortify him on the sickbed.* (39b5 - 40a4)

Water for Immersion

Ravin said in the name of Rav (*this teaching is unrelated to the discussion above; it is cited here because it was taught by the same Amora*): The Euphrates River in Bavel bears great testimony that rain has fallen in Eretz Yisroel

(*this is because the river becomes greatly swollen from the flow of the rainfall from Eretz Yisroel*).

[A brief introduction to help understand the following Gemora from Reb Avi Lebowitz, author of the sefer *Mayim Rabim* (an in-depth analysis of Maseches Mikvaos): A *ma'ayan* refers to water absorbed in the ground and rises through natural springs. Rain water refers to water that falls directly into a pool or surface run off from rain or melting snow. Basically, a *ma'ayan* has two properties: 1. It can function as a kosher source for immersion even when the water flows - "*zochlin*". 2. It does not need a *shiur* of forty seah, even a *kol shehu* (minimal amount) is sufficient. On the other hand, rain water can only function as a kosher source for immersion when the water is stagnant (this is not to the exclusion of a current, but rather if there is an outlet to a body of water, there will be a natural flow of water toward the outlet which qualifies as *zechila* and is *passul*) and it needs a minimum amount of forty seah. Since a *ma'ayan* can purify while *zochlin*, the term "*zochlin*" refers to *ma'ayan* water, whereas "*notfin*" refers to rain water that must be stagnant to function as a kosher mikva. On a practical level, most bodies of water have a combination of rain and spring water, therefore we follow the majority. If most of the water is sourced from a *ma'ayan*, it can function even while flowing; but if most of the water is sourced from rain, or from a surface run off, or melting snow, it can only function if the water is stagnant. The issue of "*rov*" is not a *din* of nullification; rather, it is a concept that the status of a body of water is labeled based on the type of water that is the majority.]

The Gemora notes: This is in disagreement with Shmuel, who states that a river is increased from its feeder springs (*which are located under the bedrock of the riverbed*); the Ran cites a Gemora in Taanis 25b which states that for every handbreadth of water that comes down from above, the waters at the bottom of the sea rise up to meet it two handbreadths; it emerges that there is always more spring water than rainwater and therefore, Shmuel maintains

that it is permitted to immerse in the rivers, even when one can see that they have increased greatly due to the rain).

The *Gemora* comments that this statement of Shmuel is in contrast with a different statement of Shmuel, for Shmuel said: Water that is flowing cannot function as a *mikvah* unless it is like the Euphrates River during the month of Tishrei (when we know for certain that the water does not contain a majority of rainwater; however, the rest of the year, he is concerned that the majority of the river is comprised of rainwater).

The father of Shmuel prepared (outdoor) *mikvaos* for his daughters during the days of Nissan (but not during the cold months), and he made for them mats (to stand on during immersion, so that the mud from the river will not get stuck between their toes and invalidate the immersion) during the month of Tishrei (when he was positively certain that there was more springwater than rainwater). (40a4 – 40b)

INSIGHTS TO THE DAF

Some Practical Guidelines for Visiting the Sick

The *Gemora* cites an incident: Rav Chelbo fell ill. Thereupon, Rav Kahana went out and proclaimed: Rav Chelbo is sick. But no one visited him. He rebuked them, saying, “Did it not once happen that one of Rabbi Akiva’s students fell ill and the Sages did not visit him? Rabbi Akiva himself went to visit him, and because they swept the ground and settled the dust before him (as per Rabbi Akiva’s instructions), he recovered. ‘My master,’ said the student, ‘you have revived me!’ Rabbi Akiva went out and lectured: He who does not visit the sick is regarded as if he spills blood (since it may lead to his death).”

The Rosh gleans from this *Gemora* and the Aruch Hashulchan (Y”D 335:2) rules accordingly that the primary

mitzvah of visiting the sick is to check on the sick person’s needs and to do whatever is deemed necessary. The Aruch Hashulchan (ibid. 8) concludes that one who visits the sick and does not pray for mercy on his behalf has not fulfilled the *mitzvah*.

DAILY MASHAL

Our affiliate, Hakhel wrote about some of the important requirements of properly performing the *mitzvah* of visiting the sick person. They are:

1. Davening for the choleh while visiting. Since the Shechina rests above the head of a sick person, tefilah is more efficacious in front of the sick person (Rema, Yoreh Deah 335:4). The tefilah should include the following nusach "Hamokom Yerachem Alecha B'soch Cholei Yisroel", so that the choleh benefits from the z'chus harabim (Yoreh Deah 335:6). Tefila in the presence of the choleh can be said in any language, because the Shechina is present and, of course, understands all language of prayer (Yoreh Deah 335:5).
2. Seeking help for the choleh, both physically and emotionally—Does he have everything he needs—all the medications, the deodorant, toothpaste? Does he need Torah Tapes (718-438-3904)? Does his nurse know what an important person he is? Does he need to see a Rov or more friends? (Yoreh Deah 335:8)
3. Providing Positive Reinforcement. Is the choleh kept in the right frame of mind all day? Provide positive reinforcements, words of encouragement, bring in light (open the shades) and cleanliness (clean up the bedroom floor if need be). (Nedorim 40A; Ahavas Chesed 3:3)
4. According to the Chochmas Odom (151:3) the *ikar* (main point) of *Bikur Cholim* is davening for the sick person while visiting him. In fact, the *Kitzur Shulchan Aruch* (193:3) poskens that one has not fulfilled the

mitzvah of Bikur Cholim if he visits, but does not daven to Hashem while there. This is because the Shechina is present above the head of the sick person, and your tefillos are, k'viyachol, in front of the Shechina itself (Shulchan Aruch, Yoreh Deah 335, Shach seif katan 3). In your tefillah, you should ask for Hashem's mercy for that particular choleh "b'soch cholei Yisroel" (amongst the other sick of Israel), because, in the merit of the many, your tefillos will be better received (ibid., Shach seif katan 4).

5. Bikur Cholim should not be performed when it is convenient for the visitor, but when it is best for the choleh. As the halacha states, one should not visit in the first three hours of the day... the last three hours of the day..., etc. (Shulchan Aruch, Yoreh Deah 335:4).

6. In addition to tefillah, there is a mitzvah to give the choleh "nachas ruach" (Kitzur Shulchan Aruch 193:3). This does not mean that one should speak on and on, or even with witticisms. Statements should be as "You'll now have to take that medicine for the rest of your life," or "Next time, you'll be more careful," or even "How will this affect your life going forward?" may be equated with smacking a poor person across the face and knocking out a few teeth as you hand him a hundred dollars with a smile.

7. The Chazon Ish (Collected Letters, Volume I:138) writes that everyone has the mitzvah to perform "Bikur Cholilm" upon himself, as well. This means that he must take care of his body and use the most effective means possible for his personal health.

8. One should try to tidy up and make the atmosphere more cheery for the choleh, if possible. The Gemara (Nedarim 40A) relates that Rabbi Akiva himself swept and cleaned the floor for his sick student. As a result, the student told him, "You have caused me to live." Rabbi Akiva then taught, "He who does not perform the

mitzvah of Bikur Cholim, it is as if he spilled blood." The reverse is also, of course, true. In fact, the Gemara clearly teaches that one who acts wisely with the ill will himself be saved from "a bad day" by Hashem (see Tehillim 41 and Gemara, Nedarim 40A).

9. Finally, one should consider a choleh's status after he leaves the hospital, and even after he returns to shul or to work. The fact that he has somewhat healed does not necessarily mean that he is not suffering pain or is otherwise in distress. One should continue to daven for, and inquire as to, a person's welfare, until he is confident that the choleh has received his refuah shlaimah.