

Siyum Masechet Nedarim – Shabbat Bo 5783

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This Siyum is being made in memory of Rabbi William Herskowitz, alav HaShalom, father of Amy Katz, who I had the pleasure of speaking with over the years on many of his visits to Brookline. Yehi zichro Baruch.

Masechet Nedarim is all about the power of speech and its effects. In a marriage, the taking of vows by either spouse to prohibit that which is normally expected or permitted between the two partners can stress their relationship. The final Mishna of Nedarim presents several cases where a wife makes certain declarations that can immediately affect the marriage.

- 1) A wife, married to a Kohen, claims that she was raped and is now forbidden to her husband,
- 2) A wife who claims that she has not been able to have children due to a biological defect in her husband that prevents her becoming pregnant, and
- 3) A wife who takes a vow that she prohibits anyone from having sexual relations with her.

In all three cases, the Mishna initially proposes that each of these women should be divorced from their husbands and that the women should receive their Kesuba payment. The Mishna immediately backtracks and suggests that in all three cases, we need a little more than just the wife's statement to terminate the marriage – after all, dissolving the relationship between a husband and wife is serious business. So, for example, if a woman claims that her husband cannot make her pregnant, both parties should go to Bais Din and study the matter from all sides and then come to a mutually agreeable solution.

The Gemara, after examining these three situations, concludes the Masechta with several anecdotal narratives dealing with the question of trust. That is, in a situation where it seems as if there might be infidelity going on in a marriage, to what extent can we assume that the wife did not sin so she would still be allowed to her husband, and they would not be forced to divorce.

The final example in the Gemara states (text below from Sefaria.org):

הָהוּא נֹאֵף דָּעַל לְגַבֵּי דְהָהִיא אֲנִתָּהּ, אֶתָּא גְבָרָא, סָלִיק נֹאֵף אִיתִיב [בְּכִלְאִי] בְּבֵּא. הָהִיא מִתְּתָן
תְּתִילִי תַמָּן וְטַעַמֵינֹון חֲנִיָּא. בְּעָא מְרִי דְבִיתָא לְמִיכַל מִן הִנְהוּ תְּתִילִי בְּלֵא דַעְתָּא דְאִנְתָּתָא, אָמַר
לִיהָ הָהוּא נֹאֵף: לֹא תִיכּוּל מְנַהוֹן דְטַעַמֵינֹון חֲנִיָּא.

The Gemara concludes with one final incident about **a certain adulterer/forbidden lover who entered** the house **of a certain** married **woman**. When **the man**, i.e., her husband, **came home**, the **adulterer went and sat himself behind the door**, so that the husband would not know that he was there. **There was** some **cress [tahlei] lying there** in the house, **and** the adulterer, but not the husband, saw that **a snake** had come and **tasted of it**, perhaps thereby contaminating it with its venom. **The master of the house**

wanted to eat from that cress (a vegetable from the mustard family whose pungent leaves are often used in salads or as herbs-JH), without the woman's knowledge. The adulterer said to him: Do not eat from the cress, as a snake has tasted of it.

אָמַר רַבָּא: אֵינְתִּיתִּיהָ שְׂרִיָא, אִם אֵיתִיהָ דְעֵבֵד אִיסוּרָא, נִיחָא לִיה דְלִיכּוּל וְלִימוֹת, דְכָתִיב: "כִּי נִאֲפּוּ וְדָם בִּידֵיהֶן".

The case was brought before **Rava**, who **said: His wife is permitted to him, for were it so that the adulterer had committed a transgression, it would have been preferable for him that the husband should eat the cress and die.** This is because one who commits adultery is also suspected of bloodshed, **as it is written: "For they have committed adultery and blood is on their hands"** (Ezekiel 23:37), indicating that adultery leads to murder.

פְּשִׁטָא! מַהוּ דְתִימָא: אִיסוּרָא עֵבֵד, וְהָאֵי דְאָמַר לִיה דְנִיחָא לִיה דְלֵא לִימוֹת בְּעַל, דְתִהְיִי אֵינְתִּיתִּיהָ עַלְוִיָּה "מִים גְּנוּבִים יִמְתְּקוּ וְלֶחֶם סְתָרִים יִנְעָם", קָא מְשַׁמַּע לֶן.

The Gemara comments: It **is obvious** that this is the case. What then does Rava come to teach us? The Gemara answers: Rava's ruling is necessary, **lest you say** that the man did in fact **commit a transgression** with the other man's wife, **and the reason that he said to the husband** that he should not eat and saved his life is **because it is preferable for him that the husband should not die.** This is in order **that his wife should be to him** as it says in the verse: **"Stolen waters are sweet, and bread eaten in secret is pleasant"** (Proverbs 9:17). That is to say, a person derives greater pleasure from forbidden fruit. Rava therefore **teaches us** that this is not a concern. Rather, the assumption is that he had not yet actually sinned and therefore acted in the proper manner.

At face value, this final Gemara seems troubling as we have hanging in the balance the future of a marriage and, while the Noef/forbidden lover saved the husband's life, the fact remains – he was in the house alone with a married woman!

So, we might have a problem with Yichud but not with Ne-i-fus. What is tantalizing here is that each of us might extrapolate to what comes next. The husband doesn't taste the cress and the adulterer comes out from behind the door and the husband thanks him and then the wife enters the room and sees the two men there and they have a group hug (I'havdil, cue the Hallmark movie)?

What else might be happening? We understand that forbidden fruit always tastes better to one who wants to toy with restrictions, taking your parents car out for a joyride when they haven't given you permission is probably more exciting than when your parents know about it – there is the thrill of not being discovered, of not getting caught – it heightens the drama of the moment!

Amazingly, a parallel story is referenced by Rabbi Aryeh Leib Yellen, the author of the “Yefeh Aynayim (Beautiful Eyes)” printed in your Vilna Shas after the main Talmudic material (it’s usually in pretty small font size though). Rabbi Yellen served as the Av Bais Din of Beilsk-Podlaski, Poland during the mid-nineteenth century. For the curious among you, Bielsk is located about 120 miles northeast of Warsaw near the eastern border of Poland. He often provides critical cross-referencing on topics across the Bavli and Yerushalmi Talmudim, Midrashim, and other rabbinic works.

On this reference to “Noef”, Rabbi Yelen immediately refers us to the Talmud Yerushalmi on Masechet Trumos where in Perek Ches, Halacha Gimel, we find the following story:

“There was a wife who loved doing deeds of charity. One time, a poor man visited her, and she served him food. While he was eating, she noticed that her husband was coming. She put him [the Ani] on the upper floor. She put food before her husband who ate, took a nap, and slept. While the husband was napping, a snake came (apparently in those days, they had what we would call a house snake and so it wasn’t fearful of coming right over to the food next to a sleeping person) and ate from what was before him; somehow, the Ani saw it. When the husband awoke, he wanted to continue eating what was before him. The Ani on the upper floor warned him not to eat from that food due to the possible danger. Is the wife not forbidden for being alone [with another man?] Since he is not suspected in one thing, he is not suspected in the other, (Ez. 23:37) “For they committed adultery, blood is on their hands.” – However, since they did not let the husband die (which would have allowed the illicit lovers to have each other unencumbered by the husband), we do not suspect the two of having had relations and the husband can stay with his wife and not divorce her.”

So, we have two stories about a man (either the women’s forbidden lover in Nedarim or a visiting, poor person in Terumos) saving the life of a husband in possible danger. In both cases, the Noef or the Ani puts himself in a precarious position. Nevertheless, saving a life is a core value in Judaism and our Masora prefers to push aside suspicions of misdeed when the future of two people’s relationship hangs in the balance.

The Chasam Sofer, in his Chiddushim to Nedarim, adds on the pasuk of מִיָּמִים גָּנוּבִים! מִתְּקוּיָם that we know that Mayim is compared to Torah. Just as we need water to survive, we need Torah to live. We know, in learning Daf Yomi, that we may have to steal the time to learn Torah from other activities that we ordinarily would have been doing. The pasuk tells us, says the Chasam Sofer, that time we steal for Torah is sweet (yimtaku). That ultimately, the time that we invest in Torah study will bring us the greatest blessings.

Hadran Alach Masechet Nedarim