

From the Rabbi's Desk
Rabbi Manes Kogan

Hillcrest Jewish Center
183-02 Union Turnpike, Flushing, NY 11366
rabbikogan@hillcrestjc.org

Mishnah with a Twist [10]

But the Sages Say...We Teach Them... Insights into Mishnah Nedarim 2:5

Also: Stories With a Twist # 319



Background to Our Story

Numbers 30:2-3

² Moses spoke to the heads of the Israelite tribes, saying: This is what the Lord has commanded: ³ If a man makes a vow to the Lord or takes an oath imposing an obligation on himself, he shall not break his pledge; he must carry out all that has crossed his lips.

Nedarim (Tractate Mishna)

Nedarim ("Vows") is a tractate in Seder Nashim ("Order of Women," which addresses family law). Its eleven chapters primarily discuss vows taken voluntarily, particularly those that forbid specific actions or objects. The tractate analyzes the conditions under which vows take effect, interpretations and implications of different vows, and the process of nullifying or dissolving vows.

The Text: Mishnah Nedarim 2:5

נָדַר בְּחֵרֶם וְאָמַר, לֹא נִדְרָתִי אֶלָּא בְּחֵרְמוֹ שֶׁל יָם. בְּקִרְבָּן, וְאָמַר, לֹא נִדְרָתִי אֶלָּא בְּקִרְבָּנוֹת שֶׁל מְלָכִים. הָרִי
עֲצָמֵי קִרְבָּן, וְאָמַר, לֹא נִדְרָתִי אֶלָּא בְּעֵצָם שֶׁהִנְחֵתִי לִי לְהִיּוֹת נוֹדֵר בּוֹ. קוֹנֵם אִשְׁתִּי נִהְיִית לִי, וְאָמַר לֹא נִדְרָתִי
אֶלָּא בְּאִשְׁתִּי הָרֵאשׁוֹנָה שֶׁגִּרְשָׁתִי, עַל כֵּלָּן אֵין נִשְׁאָלִים לָהֶם. וְאִם נִשְׁאָלוּ, עוֹנְשִׁין אוֹתָן וּמַחְמִירִין עֲלֵיהֶן,
דְּבָרֵי רַבִּי מֵאִיר. וְחֻקֵּימֵם אוֹמְרִים, פּוֹתְחִין לָהֶם פֶּתַח מִמְקוֹם אַחֵר, וּמְלַמְּדִים אוֹתָן כְּדֵי שֶׁלֹּא יִנְהַגוּ קְלוֹת
רֵאשׁ בְּנִדְרִים:

One who took a vow by associating an item with a dedication [*herem*], saying: This item is hereby forbidden to me like an item dedicated to the Temple, and then said: I took a vow only with the intention that it would be like a sea net [*hermo shel yam*] that is used to catch fish; or one who took a vow by associating an item with an offering, and

then said: I took a vow only with reference to offerings to kings, i.e., a gift for a king, not an offering to God. Or one who said: I am hereby an offering myself [*atzmi*], and then said: I took a vow only with reference to a bone [*etzem*] that I set aside for myself to vow with, as *atzmi* means both myself and my bone, i.e., he set aside a bone so as to pretend to take a vow upon himself; or one who said: Deriving benefit from me is *konam* for my wife, and then said: I took a vow only with regard to my first wife whom I divorced, not with regard to my current wife.

For all of the above vows, those who took them do not need to request of a halakhic authority to dissolve them, as the speaker interpreted the vows in a manner that caused them not to take effect at all.

However, if they requested dissolution, apparently due to their being uncertain of their explanations, the court punishes them and treats them stringently and the vows are not dissolved. This is the statement of Rabbi Meir.

And the Rabbis say: These vows are not treated stringently. Rather, dissolution is broached with them by suggesting a different extenuation, i.e., the halakhic authority suggests extenuating circumstances that undermine the vow but do not pertain to its wording. And we teach them that they should not take this kind of vow in the future, in order that they will not take vows lightly.



Explaining the Story - What is going on in our story? (Explain the sequence of events)

Comprehension and Analysis Questions

? Why does Rabbi Meir hold that the court punishes and treats stringently those who made ambiguous and foolish vows?

? Why do the Rabbis hold that the ambiguous and foolish vows should not be treated stringently and that the court should dissolve them by finding extenuating circumstances?

? Why, according to the Rabbis, is it important to teach those who make ambiguous and foolish vows, not to take these kinds of vows in the future?

Answer 1 _____

Answer 2 _____

Bonus ? What are the two opposed philosophies of education represented by Rabbi Meir and the Sages in our text?

Aftermath to Our Mishna

Obadiah ben Abraham of Bertinoro (c. 1445 – c. 1515), commonly known as "The Bartenura", was a 15th-century Italian rabbi best known for his popular commentary on the Mishnah. In his later years, he rejuvenated the Jewish community of Jerusalem and became recognised as the spiritual leader of the Jews of his generation.

פותחין לו פתח ממקום אחר. מראים לו שהדבר קיים ופותחין לו פתח מטעם אחר ומתירין לו נדרו. אבל לא עונשין ולא מחמירין. וכן הלכה:

And the Rabbis say: These vows are not treated stringently. Rather, dissolution is broached with them by suggesting a different extenuation, i.e., the halakhic authority suggests extenuating circumstances that undermine the vow but do not pertain to its wording: we show them that the situation exists, and we open for him an opening due to a different reason, and we permit him (annul) his vow. And we don't punish, and we don't act stringently. And this is the halacha!

Extra Bonus ? Why do you think the halacha follows the Rabbis and not Rabbi Meir?

"The Twist" – Or the Lessons We Can Learn from This Text.

- ! Love, patience, and education: helping fools, one at a time.



Our text presents us with foolish and ambiguous vows and the implicit question seems to be: how do you deal with fools? Rabbi Meir believes in the power of punishment. The Rabbis understand that the whip won't change the behavior of fools, and that an approach that combines love, patience, and education, is the way to go. At the end of the day, the halacha follows the Rabbis and not Rabbi Meir, perhaps hinting to us, that when dealing with people "who don't get it," honey is always better than the stick.