

15.2.6; 20a (משנה ה') → 20b (סיום הפרק)

Note: our משנה may be, as per ר"ן, a continuation of ד' משנה and be a further example of equivocal tethering; conversely, it may be a different case where there is only one plain meaning – which would validate the נדר, but the נדר later on gave it an unusual meaning, leading to the stringency here.

1. לה אָמר אָדני ה' וּפְרַשְׁתִּי עָלַיךְ אֶת רִשְׁתִּי בְקֹהֶל עַמִּים רַבִּים וְהֶעֱלִיךְ בְּחֻרְמִי: יחזקאל פרק לב פסוק ג

2. וַיֹּאמֶר מֹשֶׁה אֶל הָעָם אֵל תִּירְאוּ כִּי לְבַעֲבוֹר נְסוֹת אֶתְכֶם בָּא הָאֱלֹהִים וּבַעֲבוֹר תִּהְיֶה יְרֵאתוֹ עַל פְּנֵיכֶם לְבַלְתִּי תִּחְטְאוּ: שמות פרק כ פסוק טז

3. וְהָיָה לְכֶם לְצִיצִת וּרְאִיתֶם אֹתוֹ וּזְכַרְתֶּם אֶת כָּל מִצְוֹת ה' וְעִשִׂיתֶם אֹתָם וְלֹא תִתְרוּ אַחֲרַי לְבַבְכֶם וְאַחֲרַי עֵינֵיכֶם אֲשֶׁר אֲתֶם זָנִים אַחֲרֵיהֶם: במדבר טו:ל

4. וּבְרוּתֵי מִקְּם הַמְּרָדִים וְהַפּוֹשְׁעִים בִּי מֵאַרְצָךְ מִגּוֹרֵיהֶם אוֹצִיא אוֹתָם וְאֵל אֶדְמַת יִשְׂרָאֵל לֹא יָבוֹא וּיְדַעְתֶּם כִּי אֲנִי ה': יחזקאל פרק כ פסוק לח

5. הָבוּ לְכֶם אֲנָשִׁים חֲכָמִים וְנְבִיִּים וְיִדְעִים לְשִׁבְטֵיכֶם וְאֲשִׁימָם בְּרֹאשֵׁיכֶם: דברים פרק א פסוק יג

6. וְאֶקַּח אֶת רֹאשֵׁי שְׁבֹטֵיכֶם אֲנָשִׁים חֲכָמִים וְיִדְעִים וְאֶתֶּן אֹתָם רֹאשִׁים עֲלֵיכֶם שְׂדֵי אֲלָפִים וְשְׂדֵי מֵאוֹת וְשְׂדֵי חֲמִשִּׁים וְשְׂדֵי עֶשְׂרֹת וְשְׂדֵי שְׁטָרִים לְשִׁבְטֵיכֶם: דברים א:טו

7. וְשִׁשְׁכַר חֲמֹר גָּרַם רֶבֶץ בֵּין הַמְּשַׁפְּתִים: בראשית פרק מט פסוק יד

8. וּמִבְּנֵי יִשְׁשַׁכָּר יוֹדְעֵי בִּנְיָה לְעֵתִים לְדַעַת מֶה יַעֲשֶׂה יִשְׂרָאֵל רֹאשֵׁיהֶם מֵאֵתֵיךְ וְכָל אַחֲיֵיהֶם עַל פִּיהֶם: דברי הימים א פרק יב פסוק לג

I משנה ה': explaining נדרים with unusual meanings:

a examples:

- i if he tethered his נדר to “חרם” or “קרבו” and later explained חרם to mean “net” (v. 1) or קרבו to mean tribute
- ii if someone made “עצמי” prohibited and explained it to refer to a particular bone (עצם)
- iii if someone prohibited his wife from gaining הנאה and later explained the referent as his first wife

b rule(s):

- i he doesn't ask (no need to have it released) – if he is a ת"ח
- ii if he asks (עם הארץ):
 - 1 we are stringent and punish him – ר"מ
 - (a) “stringent” – we don't allow him to be released by regret; “punish” – we force him to practice his נדר for the same length of time he ignored it until we meet with him (as in case of flagrant נזיר-violator)
 - (b) ירושלמי – case where תנאים sent such a person from חכם to חכם to get his נדר released
 - 2 חכמים: we treat the נדר as valid and find them another avenue of פתח so they'll treat נדרים with gravitas
 - (a) behavioral directives:
 - (i) don't be accustomed to נדרים – it'll lead to violating שבועות
 - (ii) don't be accustomed to the company of ע"ה – he's liable to feed you טבל
 - (iii) don't be accustomed to the company of א"ה – he's liable to feed you תרומה
 - (iv) don't be accustomed to extra conversation with women – it's liable to lead to adultery
 - (b) tangential observations about relations with women:
 - (i) value of shame, as per v. 2
 - (ii) proper sexual congress:
 - 1. מלאכי השרת (quoting ר' יוחנן בן דהבאי) – earlier, pious rabbis
 - a. Children are born lame, deaf, mute or blind due to inappropriate behavior during coitus
 - i. Including: speaking during intercourse
 - ii. Challenge: אימא שלום (wife of ר"א II, sister of ר"ג II) : husband spoke during relations
 - iii. Answer: if they speak about issues related to intercourse, acceptable
 - 2. ר' יוחנן – we don't accept ר' יוחנן בן דהבאי's approach
 - a. rather: a man may engage in relations with his wife in whatever manner pleases him
 - (iii) inappropriate thoughts during relations
 - 1. v. 3 – thinking about another woman (even one of his other wives)
 - 2. v. 4 refers to children of 9 groups (all bad) - mnemonic – משגל"ח – אסנ"ת משגל"ח
 - a. אימה (fear- husband forces his wife), אנוסה (coerced – marital rape)
 - i. אמה רא"ש reads אמה – maidservant
 - b. שנואה (hated – if he hates his wife at the time)
 - c. נדוי – נדוי (if he is under the ban of נדוי – forbidden to have relations)
 - d. תמורה (mistaken for another woman)
 - e. מריבה (if they are in the middle of a spat)
 - f. שכרות (if he is drunk at the time)
 - g. גרושת הלב – ג' (if he already decided to divorce her)
 - h. ערבוביא (mixing – if she had relations with several men)
 - i. חוצפה (if she demanded sex from her husband)
 - i. Challenge: vv. 5-9 indicate that יששכר (born of relationship which the wife (לאה) initiated) had greater children than the generation of the desert
 - ii. Answer: if she ingratiated herself to him first, acceptable