

Zera Shimshon

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Chapter XLII: Matot (Num. 30:2–32:42)

Essay 2. Making a vow to perform a mitzvah

"נִשְׁבַּעְתִּי וְאֶקְיָמָהּ לְשֹׁמֵר" וְכוּ'. כְּתוּב הַשְּׁלֵחַן עָרוּךְ רִישׁ הַלְכוֹת נְדָרִים (סְעִיף ד') צָרִיךְ לִיְזַהֵר שְׁלֹא לִידוֹר שׁוּם דְּבָר וְאֶפִּילוּ צְדָקָה אִין טוֹב לִידוֹר וְכוּ'. וְשָׁם בְּסְעִיף ו' הָאוֹמֵר אֲשַׁנֶּה פֶּרֶק זֶה וַיֵּרָא שְׁמָא יִתְרַשֵּׁל בְּדִבְרֵי שְׁרֵי לִיהַ לְמַנְדַּר לְזֵרוּזֵי נַפְשִׁיהּ.

“I have firmly sworn to keep Your just rules.”¹ The Shulchan Aruch writes, in Yoreh De’ah, at the beginning of the Laws of Vows, siman 203, se’if 4, one must be careful not to make a vow on anything, and even regarding giving charity, it’s not good to make a vow.² But there in se’if 6, we read: “A person who says ‘I will learn this chapter,’ and is afraid lest he becomes negligent in this matter, it is allowable for him to vow in order to motivate himself.”

וְכַתּוּב הַט"ו נִרְאֶה דְּיֵשׁ חֵילוּק בֵּין צְדָקָה וּבֵין תּוֹרָה כִּי יִצְרוּ שֶׁל אָדָם מִתְגַּבֵּר עָלָיו יוֹתֵר בְּנִתְיִנַּת מְמוֹן מִדְּבַר הַתּוֹרָה בְּצוּרָה גּוֹפּוֹ, לְכֹן יֵשׁ לְחַוֵּשׁ יוֹתֵר גַּבֵּי צְדָקָה שֶׁיִּצְעָבוֹר עַל גְּדוּר מִנְדָּר שֶׁעַל תּוֹרָה עַכ"ל.

The Taz³ wrote, “It appears that there is a distinction between charity and Torah, because a person’s evil inclination overcomes him more against giving money than something dependent upon a physical activity.” I.e., someone is more likely to engage in a physical action, such as learning Torah, than to give away his money. **“Therefore, one should worry more about violating a vow regarding charity than a vow regarding learning Torah.”**

וְהַלְחֵם חֲמוּדוֹת כְּתוּב עַל זֶה שֶׁדְּבָרֵי הַט"ו דְּחֻוּיִים מֵהָא דְאֵמְרִינוּ בְּפֶרֶק אֵין עוֹמְדִין גְּדוּל הַתְּעַנְיַת יוֹתֵר מִן הַצְּדָקָה שֶׁזֶה בְּגוֹפּוֹ וְזֶה בְּמְמוֹנוֹ, הֵרִי דְיוֹתֵר קִשְׁיָה עַל הָאָדָם לַעֲשׂוֹת מִצְוָה בְּגוֹפּוֹ יוֹתֵר מִבְּמְמוֹנוֹ.

The Lechem Chamudot⁴ wrote about this, that the words of the Taz should be pushed off because of what was said in the fifth chapter of tractate Berachot entitled, “One only stands”: “Rabbi Elazar said: **A fast is greater than charity, for [a fast] is [a mitzvah performed]**

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¹ Ps. 119:106.

² Shulchan Aruch, Yoreh Deah 203:4.

³ Rabbi David ha-Levi Segal (“Taz”) (c. 1586–1667), *Turei Zahav* 203:5.

⁴ Rabbi Yomtov Lipman Heller (1579–1654), rabbi in Prague and Vienna. Author of *Tosfot Yom Tov* commentary on the Mishnah and the *Lechem Chamudot* commentary on the Mishneh Torah.

with one's body [as he afflicts himself], **while [charity] is** [performed only] **with one's money.**"⁵
That is, it's more difficult for a man to do a mitzvah with his body than with his money, which is the opposite of what the Taz said.

ומשום הכי תירץ הוא עם מאי דאמרינן בפרק קמא דתענית בימי ר' זירא גזור תעניתא וכו'. אם כן, כשחשב לעשות מצוה נחשב כאילו נעשית.

Because of this, [the Lechem Chamudot] solved why the Shulchan Aruch distinguished between allowing a vow with regard to Torah but not with regard to charity. He explained this **with what was written in the first chapter of tractate Ta'anit (8b), "In the days of Rabbi Zeira, persecution was decreed,** a decree that they were not allowed to **fast."** Rabbi Zeira told the people to accept upon themselves to fast, which they would observe when the decree was annulled. **If so, when he thought to do a mitzvah, it's considered as though he did it.**

ואמרינן בסוטה דמצוה אצולי לא מצלא מיצור הרע והתורה מצלא, ולכן בנדר צדקה יש לחוש שמה שעכנו יצרו מלקיים הנדר ואין לו לידור. אמנם בנדר של תורה אין לחוש ולכן הותר לו לידור, שהתורה אצולי מצלא ולא יתקפנו יצרו להתרשל מלקיים הנדר עכ"ל בקיצור.

Also, it says in tractate Sota:

Rav Yosef said [that with regard to] **a mitzvah**, at the time when one is engaged in its [performance, it] protects [one from misfortune] and saves [one from the evil inclination]; at the time when one is not engaged in its [performance, it] protects [one from misfortune but it] **does not save one from the evil inclination.** [With regard to] **Torah** [study], both at the time when one is engaged in it and at the time when one is not engaged in it, it protects [one from misfortune] and **saves** [one from the evil inclination].

- Sota 21a

Therefore, for a vow [to give] charity, one can worry lest his evil inclination delays him from fulfilling the vow, so that he shouldn't make a vow. However, for a vow regarding Torah, he need not fear, and therefore he is permitted to make a vow, for the Torah saves him from the evil inclination, and his evil inclination won't attack him to make him neglect fulfilling the vow. This is a summary of the language of [the Lechem Chamudot].

⁵ Berachot 32b.

ולדידן אינה קושיא כל כך שאף על פי שמצינו שגדול תענית יותר מן הצדקה, זהו לפי מאי דאמרינן בפרק ח' דקמא שבר אית פדי וכו' שבר אית ידי קטע אית רגלי וכו', שאדם מחיל על צערא דממונא ולא על צערא דגופא.

Concerning ourselves, there is no great difficulty, for even though we find that a fast is greater than charity, this is according to what is said in the eighth chapter of tractate Bava Kamma, “[Regarding] one who says [to another]: . . . Break my jug, [and he does so, he is] liable [to pay for the damage]. [But if he instructed him explicitly: Do so] on the condition that [you will] be exempt [from payment, he is] exempt [from payment]. [However, if he said] break my hand, cut off my leg, on the condition that [you will] be exempt [from payment, and he did so, he is nonetheless] liable.”⁶ For a man forgives financial suffering but not physical suffering.

ובתענית יש בו צער הגוף ואין לו ענין להקא קלל, שהרי כאן הספק שלנו הוא אם יניח מלעשות אותו הדבר בשביל הטורה, ומעתה טורה התורה אדרבא משמחת לב דכתיב "פקודי ה' ישרים משמחי לב", והצדקה אינה כל כך משמחת לפי שצריכים אנו להחזיק טובה לרמאים, ולעולם הוא מתירא ליתן הצדקה לעני שאינו הגון. כך היינו יכולים לתרץ בכוננת הט"ז.

As we explained above, the Lechem Chamudot had challenged the Taz on the basis of a teaching in tractate Berachot that, “A fast is greater than charity.” But we understand now that **a fast means suffering of the body, which is not relevant here at all, for here our doubt is if he will stop from doing something because of the burden. Now, the burden of learning the Torah, to the contrary, gladdens the heart, as it is written, “The precepts of the L-rd are just, rejoicing the heart.”⁷ But charity is not so gladdening of the heart, for “we need to appreciate the swindlers [who ask for charity that they do not need],⁸ for he would always be afraid of giving charity to a “poor person” who was not genuine.**

Thus, we are able to solve the intention of the Taz, who said that a person’s evil inclination overcomes him more against giving money than something dependent upon a physical activity. We understand that giving charity does not gladden the heart. Regarding physical activity, at least for the specific case of learning Torah, that does gladden the heart. Therefore, we have overcome the Lechem Chamudot’s challenge against the Taz.

⁶ Mishnah Bava Kamma 8:7.

⁷ Ps. 19:9.

⁸ Ketubot 68a: “Rabbi Chanina said: This is what Rabbi Elazar said, We need to appreciate the swindlers [who ask for charity that they do not need], because were it not for them, we would be sinning every day.” One way of taking this is: Because we are tricked into giving charity to undeserving swindlers, we don’t have enough funds left for the truly poor, but we are forgiven for not supporting them, as we were tricked. The Zera Shimshon follows another approach: We know that there are swindlers out there, and we may fail to give charity to a truly poor person out of fear that he is a swindler, but we are forgiven for that because of our fear of being swindled.

אָבֵל מֵה שְׁתִּירֵץ הוּא יֵשׁ לְהַקְשׁוֹת עָלָיו שְׁאֲדַרְבָּא לְפִי שְׁהַתּוֹרָה מְצִלָּא אִין צוֹרֵךְ לִידוֹר, וּמְצִינּוּ דְפָרִיף הַגְּמָרָא דְנִדְרִים (דף ח') עַל הַהֵיא דְרַב גִּידֵל מִנֵּין שְׁנִשְׁבָּעִין לְקַיָּים הַמְצָנָה הָאוּמֵר אֲשֶׁנָּה פָּרַק זֶה וְכוּ' נִהְלָא מוּשְׁבָּע וְעוֹמֵד מֵהַר סִינֵי הוּא, וּמְתַרְצִינָן הֵתָם הָא קָא מְשַׁמַּע לֹן דְשָׁרִי לִיה לְאִינִישׁ לְזָרוּזֵי נְפִשְׁיָהּ. וְאִם בַּתּוֹרָה אִין לְחוּשׁ שְׁיִתְקַפְּנוּ יִצְרוּ, אִין לֹן לְעֲשׂוֹת שְׁבוּעָה עַל שְׁבוּעָה, וְאִם בְּשָׂאֵר מִצְוֹת יֵשׁ לְחוּשׁ שְׁיִתְקַפְּנוּ יִצְרוּ, אֲדַרְבָּא הֵיָה לֹן לִידוֹר כְּדֵי לְזָרוּזֵי נְפִשְׁיָהּ.

We can question the solution [Lechem Chamudot] offered, that because the Torah saves one from the evil inclination, he need not fear the evil inclination attacking him and making him violate his vow, and therefore he can make a vow to learn Torah. We can question this, for to the contrary, as the Torah saves, there is no need to swear. We find that the Gemara of tractate Nedarim 8a refuted this position of the Lechem Chamudot:

Rav Gidel said [that] Rav said: “From where [is it derived] that one may take an oath to fulfill a mitzvah? As it is stated: ‘I have sworn and I have confirmed it, to observe Your righteous ordinances’ (Ps. 119:106). One who says: I will . . . study this chapter . . . has taken a great vow to the G-d of Israel.”

Is he not already under oath from Mount Sinai [to fulfill all the mitzvot]? We resolved this: there we learned that it is permitted for a man to motivate himself [to fulfill the mitzvot in this manner]. If regarding the Torah there’s no need to fear that his [evil] inclination will attack him [to make him neglect fulfilling the vow], there’s no reason for him to make an oath upon an oath. If for the remaining mitzvot, there is a reason to fear that his [evil] inclination will attack him, then to the contrary he should swear in order to motivate himself.

- Nedarim 7b–8a

וְאִפִּילוּ אִם תִּמְצָא לֹמֵר כְּסִבְרַת הָרַב הַנַּ"ל דְּהִיכָא שְׁיֵשׁ לְחוּשׁ שְׁיִתְקַפְּנוּ יִצְרוּ אִין לֹן לִידוֹר, מְכַל מְקוֹם אִין בְּתִירוּצוֹ פְּלוּם, שְׁהָרִי לְדַבְּרֵיו לֹא הוּתֵר לִידוֹר לְזָרוּזֵי נְפִשְׁיָהּ אֲלָא בְּנִדְרֵי שֶׁל תּוֹרָה. וְזֶהוּ הַפָּה דַּעַת הַשְּׁלֵחַן עָרוּף וְהַפָּה הָאֲמַת, דְּבַגְמָרָא אֲמַרִּינָן מִנֵּין שְׁנִשְׁבָּעִין לְקַיָּים אֵת הַמְצָוֹת, וְהֵינֵינוּ סָתָם מְצָנָה דְּהֵינֵינוּ כָּל הַמְצָוֹת, וְכֵן הַשְּׁלֵחַן עָרוּף שָׁם בְּסַעֲיָהּ הַנַּ"ל סִיִּים דְּכָרִיו וְזֶה לְשׁוֹנוֹ, וְכֵן אִם יִרָא שְׁיִתְקַפְּנוּ יִצְרוּ וְיַעֲבֹר עַל אִיזוּ מְצָנָה מִמְצָוֹת לֹא תַעֲשֶׂה אוֹ יִתְרַשֵּׁל מִקִּיּוּם מְצָוֹת עֲשֶׂה מְצָנָה לִישְׁבַּע וְלִידוֹר כְּדֵי לְזָרוּזֵי עֲצָמוֹ עכ"ל. הָא קַמֵּן שְׁבָכַל הַמְצָוֹת שְׁרִי לִידוֹר לְזָרוּזֵי נְפִשְׁיָהּ אִף עַל פִּי דְּמְצָנָה אֲצוּלֵי לֹא מְצִלָּא.

Even if you say, as the above-mentioned rabbi, the Lechem Chamudot, explained, that one who fears that he will be attacked by his evil inclination should not swear, in any case there is nothing to his solution. For according to him, there is no permission to swear in order to motivate himself, except for a vow of learning Torah.

This is the opposite of the Shulchan Aruch’s opinion and the opposite of the truth. As it says in the Gemara, in Nedarim 7b–8a, quoted above, from where [is it derived] that one may take an oath to fulfill the mitzvot? We find there, simply, the wording “a mitzvah” without specificity, which is referring to all the mitzvot.

Similarly, the Shulchan Aruch there, Yoreh Deah, siman 203, in the se’if mentioned above, se’if 6, concludes his words, and this is his language: “If he fears that his evil

inclination will attack and he will transgress any commandment of the negative mitzvot, or become negligent in the fulfilment of a positive mitzvah, it is a commandment for that person to vow in order to motivate himself.” Thus, even though in se’if 4, the Shulchan Aruch wrote, “One must be careful not to make a vow on anything, and even regarding giving charity, it’s not good to make a vow,” he counters this in se’if 6. Thus, **we have before us that for all of the mitzvot, it’s permitted to swear to motivate himself, even though a mitzvah does not save one from the evil inclination** when he’s not engaged in the performance of the mitzvah.

והו אמת שלפי זה גם לטעם הט"ז קשה, שהרי מפשט השלחן ערוך נראה שבכל מצוה שרי לזרוזי נפשיה גיש מצות התלויות בממון כגון סופה ולולב ופיזא. גיש לומר דנדקא במצות הצדקה לא שרי לידור לזרוזי נפשיה מטעם דאמרינן בפירק קמא דראש השנה "בפי" — זו צדקה וכו', וצדקה — מחייב עליה לאלתר דהא קיימי עניי. ואם כן בצדקה אין לו זמן להתעכב, והוא הדין בנדרי הקדש, מה שאין כן שאר מצות שיש להם זמן כל היום או אפשר שידור קודם זמנם, ומשום הכי הותר לידור לזרוזי נפשיה, ואף בתורה יש זמן שרשאי להתבטל בדכתיב "ואספת דגגד".

It is true that according to this, the reasoning of the Taz is also difficult, for from the simple meaning of the Shulchan Aruch, at least from Yoreh Deah, siman 203, se’if 6, it appears that for every mitzvah, it is permissible to swear in order to motivate oneself. Even regarding money, which the Taz said was the issue when he discussed why charity was specifically called out in se’if 4, **there are mitzvot that depend upon money, such as the obligation for Sukkot to dwell in a Sukkah, and to take the four species, including a lulav, and the like.**

It can be said that specifically for the mitzvot of charity it is not permissible to swear in order to motivate oneself, for the reason as it says in the first chapter of tractate Rosh Hashana:

[A *Baraita* analyzed the verse: “That which is gone out of your lips you shall keep and do; as you have vowed as a gift to the L-rd your G-d, which you have promised with your mouth” (Deut. 23:24).] **“With your mouth”;** this [is referring to vows of] **charity.** Rava said: [In the case of vows of] **charity, one is liable immediately** [if he is late in distributing the charity that he had promised to give]. What is the reason? **That poor people exist** [everywhere, so the charity can be distributed to them immediately, unlike an offering, which must be brought to the Temple].

- Rosh Hashana 6a

If so, for charity, he does not have time to delay, i.e., as he can give charity immediately, he doesn’t have to worry about his evil inclination overcoming him before he acts. This is the law for vows of consecration to the Temple.

This is not the case for other mitzvot, for which there is time all day to fulfill the vow to fulfill the mitzvah, or he may make a vow before the time to perform it arrives, and during the delay, his evil inclination may overcome him. Because of this, he is permitted to swear in order to motivate himself, and even for the Torah there is a time that one is allowed to delay his Torah learning, as it is written, “I will grant the rain for your land in season, the early rain and

the late; **you shall gather in your new grain** and wine and oil,”⁹ i.e., a legitimate action that takes time away from Torah learning.

Thus, the Shulchan Aruch is saying that one should ideally not make a vow regarding anything, and specifically not for the mitzvah of giving charity. However, if one fears that his evil inclination will cause him to transgress a negative commandment, or not to fulfill a positive commandment, then it is appropriate for him to make a vow in order to motivate himself.

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⁹ Deut. 11:14.