

Nedarim

Vows-These are binding declarations that can be made by and/or obligates a person.

-Applies to men as well as women.

-Included in Seder Nashim, because a husband or a father can revoke certain of his daughter's or his wife's nedarim. (see Num Ch 30)

Two types of vows:

1. Dedication to the Temple (Lev 22:18, Num 29:39, Deut 23:22).
2. Prohibitive vows (Num 30:3).

A nedar, a vow that prohibits an object (a nedar makes an object forbidden to a person).

A nedar can be made only on items of substance.

A shevuah, a promise, constitutes or obligates.

A shevuah forbids the person to use the object.

A shevuah can be made on anything, even if lacking substance, i.e., "I promise not to sleep".

Continued-

II How do you effect a nedar?

-Oral declaration – Must verbalize (not just think it) and have intent.

An erroneous declaration is not effective. “His words and his heart must be in accordance”, ‘pi v’libo shavin’.

The Formula:

-Direct – “This bread is forbidden to me.”

-By association -“This bread is like a Korban (offering) to me.” Since a Korban was once permitted, but was made forbidden when it was consecrated through a vow, it can be used as the link to the forbidden, associated object.

A nedar can be made in any language, not just Hebrew.

These are called equivalent words, i.e., ‘kinuim’ or partial declarations, ‘yados’.

Continued-

A person who makes a ‘nedar’, ‘an oath’, is required by Torah law to keep his word, “He shall not desecrate his word; What comes from his mouth he shall do it”.

He has both a ‘lo taseh’, ‘don’t do it’ and an ‘aseh’, ‘do it’, in the same sentence (Num 30:3 and also Deut 23:24).

“What goes out of your mouth you shall guard”, ‘ma yotzeh shepisechah tishmor’.

Nedarim are discouraged. It is like building an alter outside of the Temple, which is illegal. Why such a strong condemnation?

They share a common denominator –

- Both think that what they are doing is religiously elevating and admirable.

- That they are the torah precepts.

The alter builder is imitating the sacrificial service in the temple and the vower is adding to the body of biblical prohibitions. They fail to realize that to precisely follow the Torah, is the true avenue to spiritual enrichment. To add to the Torah implies it is not the perfect document and the perfect route to a good life and therefore, God’s work, the Torah, is deficient!!

Continued-

Release from vows:

Since making a vow is frowned upon, if you do make one, the Rabbi's ask you to seek release or to have the vow annulled.

There are two methods:

- A. Annulment-A person can come before a single sage or a panel of three, knowledgeable, laymen and ask to have his vow annulled. If there are grounds to do so, they may annul the vow retroactively. It is considered cancelled, even before it started.
- B. Revocation -A woman's husband or father may revoke her vows. A father, up to age 10 ½, a husband, after full marriage. After Nisuin, both, her father and her husband, together, may revoke her vows. A revocation cancels the vow from that moment forward.

כָּל כִּינוּיֵי נְדָרִים בְּנְדָרִים

All equivalent terms for nedarim, are effective, like genuine nedarim.

Charamim - Relating to temple property or a Kohan's property.

Shevuos - Oaths (but not including the name of God).

Nazirus - Resolution to be a Nazir.

Rabbi Yochanan (RY) and Reish Lakish (RL) argue about the meaning of the word 'kinuim', 'equivalent terms'.

RY = Foreign language expressions that are also used by the Jewish people.

RL = Specific words the sages required for people to use, when they make an oath.

Rambam - Distortions of words made by stutterers.

כָּל פִּינוּיֵי נְדָרִים כְּנְדָרִים

All equivalent terms for nedarim, are effective, like genuine nedarim.

Can a person, who stutters severely, say the formulaic words of chalitzah, to free his brother's wife to marry (another)?

The Maharit - We learn (from Nedarim page 2a) that equivalent terms are sufficient to effect a vow, so here too, his words, however affected by stuttering, should be allowed. We know what he wishes to say in advance and we know his intent. It is adequate.

The Devrei Yoav says- No, a nedar is different. It can be made in many ways. using slang, other languages, etc. To effect chalitzah, there is a strict formula; it is in Hebrew, must be said and heard by the court and the woman, accurately, to take effect.

בַּלְתֵּי אַחֲרֵי

If a man makes a vow, he is obligated to fulfill it promptly.

A person who commits himself to bring a Korban, has to do so within three festivals of when he made his promise (BT Rosh Hashanah 4a).

When a person pledges to give tzedakah, he also has the time for three festivals to elapse to redeem his pledge, unless there are poor people present. If so, he fulfills the requirement to keep his word (Deut 23-24), but would not be guilty of violating the negative command of ‘don’t delay’, until three festivals had passed (Rosh Hashanah 6a).

בַּלְתַּאָּחַר

Do not delay

The vow to become a Nazir takes place immediately, because it requires no further act, it is self-fulfilling

A vow to bring a Korban or to give tzedakah, requires an additional activity and therefore, that additional activity has a permitted time frame, i.e., the passage of three festivals.

אָמַר רַבָּא

Rava says

A person says, “I promise to be a Nazir before I die . He is obligated to be a Nazir from that moment. Why? Because he might die at anytime and would violate his oath.

Shulchan Aruch tells us- It is not appropriate to say the bracha of ‘Shehechyanu’, on new clothes or new fruit during the three weeks between sheva asor b’Tamuz and tisha b’Av.

Rama says-If there is new fruit that will not be available in 3 weeks, he may make the bracha during the 3 weeks.

Taz says - If so, perhaps this can be extended. Who knows if he will be alive after the 3 weeks. Just as in our Gemara, the person who pledges to be a Nazir before he dies, must start immediately. So everybody should say ‘Shehechyanu’ on new fruit during the 3 weeks.

This is not so, dying without saying ‘Shehechyanu’ does not violate anything. Dying, without fulfilling your nedar to be a Nazir, violates his word and his commitment. Therefore, don’t say ‘Shehechyanu’.

משום דלא אית ליה קיצותא

Because an unspecified vow does not have a time limit.

Because of perceived infraction of the rules, a shochet was made subject to an oath, made publically by community leaders, that they would remove the man from his position and they did so. However, they later found out that their premise and accusations were wrong and the shochet apologized. They wanted to revoke or annul their vow, may they do so?

- No, (Nedarim 4b2) an oath made without a time limit, starts immediately and forever. Therefore, it can't be revoked.
- Yes, they kept their vow. They only vowed to remove him and he was removed. They never vowed not to reinstate him. So they may do so!!

אָבֵל גְּבִי נְזִירוֹת

But in the case of Nazirus

It might be possible to revoke a vow of Nazirus, this is taught to us by means of a Hekesh.

- A Nazir, when he finishes his period of being a Nazir, must bring an offering.
- A women who gives birth, must bring an offering.

This parallel suggests that we can compare them.

- A woman's vow can be cancelled by her husband or father.
- A similarity with a Nazir suggests that his vow can be cancelled or annulled also.

There is a special type of Nazirus, Nazir Shimshon, which cannot be annulled, but lasts for an entire lifetime, since Shimshon remained a Nazir for his entire life.

אֶבֶל גִּבִּי נְזִירוֹת

But in the case of Nazirus.

How do we cancel a Nazir's vow – even a Nazir Shimshon?

A young man became involved in a messianic cult and he made a vow to be a Nazir Shimshon, which he later regretted.

The Minchas Yitzchak, Dayan Yitzchak Yaakov Weiss, advised leniency because the young man did not understand the implications of his vow at the time he made the vow.

It is permitted to release a person from Nazir Shimshon if:

- He needs the release to perform a mitzvah.
- The person who made the vow was confused and lacked knowledge.
Therefore, he could not have had the required presence of mind to make a binding vow.

יְדִים שְׂאִין מוֹכִיחוֹת

A partial declaration that is not conclusive,

is not a valid partial declaration.

A man gives money to a woman for Kiddushin and tells her, “With this money you are betrothed.” It is only valid if he added the words “to me”, otherwise, there is an element of uncertainty in his offer.

In order for a get (a divorce document) to be valid, it must specify the:

- Name of the man.
- Name of the woman.
- The date.
- The phrase “you are permitted to any man”.
- Include the phrase, “and this is the document [5b2 line 20 A30] that is what shall be to you, from me”.

דְּתֵינָן גּוּפוֹ שֶׁל גֵּט

We learn about the contents of the get.

Rambam (Hilchos Gerusin 84) - A get, written partially in one language and partially in another, is Rabbinically invalid, unless the two languages are Hebrew and Aramaic.

Aramaic is not considered a different language than Hebrew, rather it is a corruption of Hebrew. They are considered the same language.

Aramaic is distinctly different from other foreign languages, in that the Torah utilizes Aramaic words (Ber 31:47). Therefore, it is permissible for a get to mix those two languages, but no others.

וְדִין דְּיִהְיוּ לִיכִי מִינְאִי

The document must say, ‘and this document is from me, to you’ .

Specificity is necessary in vows, but not so specific in the matter of a get. Why?

Since a man does not divorce his friend’s wife, only his own.

We don’t have to state, “And this is the document from me, to you.”

The meaning is obvious and does not to be more specific.

A man made a bequest to his town’s charity fund which his heirs refused to honor, stating that the will did not specify sufficiently. The Rashbah decided just as in our Gemara, regarding a get, the meaning of the will was sufficiently obvious, that more specificity was not needed. The deceased’s clear intent should be honored!

אֶלֶף גַּבִּי גֵט

Except for a get.

The Rabbis agree except regarding a get, where the circumstances compensate for the lack of clarity.

Example:

A get was written and the vital word “from me” was spelled with a defective, letter aleph. There was a debate as to whether the get was valid and the divorce final. It was very important, because the husband had abandoned his family in Europe and ran off to America. If the get is not valid, the wife is an Agunah and would not be able to marry another man to help her raise her family.

Rav Yitzchak Elchonon Spector, z”t”l judged that even without the letter aleph, the word would spell ‘mini’, “from me”, and therefore, it is an entirely adequate get.

צָרִיךְ לְנִדּוּתוֹ הַשּׁוֹמֵעַ הַזֶּכֶרֶת הַשֵּׁם מִפִּי חֲבִירוֹ

If you hear your friend utter God's name in vain, you must immediately excommunicate him.

If you don't, you are excommunicated!

When can you use God's name and not say "HaShem"?

When teaching children to recite Berachos, even the person teaching may recite the name, even with a young child, not yet obligated to Berachos.

R Moshe Feinstein - You may even teach an adult, who did not learn as a child.

What is the rule when learning or giving drashos? It is controversial.

What is the rule when singing Zemiros? Only if you use the name with thought, not absentmindedly.

מְשִׁיבֵי הַדָּגִים

When a student of Mar Zutra required excommunication, Mar Zutra would excommunicate himself first.

It is important not to criticize, in a self-righteous manner, any fellow Jew. If you recognize that someone is doing wrong, the Baal Shem Tov said, “It is because you have the same problem on some level.” like a spiritual mirror.

Once the Rav of a town was told by one of his Chassidim, that the barber violated Shabbos, by closing his shop after Shabbos began. The Rav ordered him to give candles to the study hall as atonement. He ordered the Chassid, who informed on the violator, to give 2 sets of candles. He ordered himself to give 5 sets of candles, to atone for the fact, (he said) “That in my city, a man could violate the Shabbos in such a manner!!”

אֵלֹהִים הָאֵלֹהִים קָא מִשְׁמַע לָן דְּשָׂרֵי לֵיהּ לְאַיְנוּשׁ לְזַרְוּוּי נַפְשִׁיהּ

Rather, this is what he tells us: It is permissible for a person to motivate himself to fulfill a mitzvah.

May a person make an oath to fulfill a mitzvah? He is already obligated to fulfill the Mitzvah. Is not this oath, with the use of God's name, pronouncing God's name in vain?

Rav Gidal (in the name of Rav -8a1 line 3) - No! A person is permitted to encourage himself into action and this is the purpose of the oath.

Tosophos says - This is an additional dimension and therefore, it is not pronouncing God's name in vain. Especially if he intends to improve his mitzvah observance.

For example, a person is obligated to learn, but with the oath, he pledges to learn extra. Therefore, it is not an oath made in vain.

הָאוֹמֵר לְחֵבִירוֹ נִשְׁפִּים וְנִשְׁנָה פָּרָק זֶה

If one says to his friend. “Let’s get up early and study this chapter.”

It is incumbent upon him to arise earlier and be there first.

By saying, “Let us arise early,” he committed himself to be the one who will initiate their study.

Although he did not state he is taking an oath, if one declares that he will do a mitzvah, it is binding and he must fulfill that declaration. If he initiated the idea to do a mitzvah with his friend, he must be there to initiate its performance.

The Gemara learns (from Yechezkel 3:22-23) that where it says, “God said to me, go to the valley where I will speak to you. And when I got there, the glory of HaShem was already there.”

Continued-2

Rabbi Akiva Eiger asks - Why do we need to go to the experience of Yechezkel to learn this lesson? We have a much more powerful example. When God told the Jewish people to come to Mt. Sinai to receive the Torah; when they came, they found He was already there (Shemos 19:15-18). We could learn from this, that if you propose the meeting, you should be there first.

This example is different. We might say that in deference to an entire nation HaShem, in His humbleness, arrived first. The lesson is more clearly learned from the 1 on 1 example with Yechezkel, which is much more like our case of 2 persons meeting.

This rule only pertains if the two individuals are of equal status. If one of them is a disciple, he should still, out of respect, arrive before his master.

וְיִהְיֶה שְׁלָמָא לְבֵי עֲשָׂרָה

The blessing of ten.

Rav Chaim Brisker was approached by a man, whose son was very sick. He was asked if Rav Chaim had any advice, by which the boy could be helped. It was an emergency and the boy was deteriorating. Since it was Erev Shabbos, Rav Chaim advised the man to go to the mikvah and ask a blessing of ‘refuah shelemah’, a ‘complete recovery’, from each person who passes, achieving thereby, a sort of ‘Tefillahs Rabim’, a ‘communal prayer’, on behalf of the boy. Our Gemara is the source of that idea.

Rav Yosef says- If you dreamed you were put in cherem, ask 10 people who have at least learned Gemara, to release you from cherem. If you can't find 10 who learned Gemara, find 10 who learned Mishneh, if not, 10 who will say Shalom to you. A greeting from 10 people is likened to the ‘Tefillah of Rabim’. The prayer of the community, protects.

כָּךְ אֵי אֶפְשָׁר לַחֲלוּם בְּלֹא דְבָרִים בְּטֵלִים

It is not possible for a dream to not contain senseless matters.

Belief in dreams- That they impart a message, i.e., have meaning.

However, there is difficulty in understanding the message of a dream, since senseless details are included.

(This was the basis for Sigmund Freud to study dreams and a refutation of Freud's strict analysis of dreams.)

אֵין גֵּיהֵנוֹם לְעוֹלָם הַבָּא

There is no Gehinnom in the world to come (Reish Lakish).

The sun will heal the righteous. It does not say it will punish the wicked.

בְּנֵדָרֵי רְשָׁעִים

The vows of the wicked.

- Provides examples of partial declarations.
- Compares the vows of the wicked, to those of the righteous.
- Compares nedar to a nedavah.

A person is considered wicked, in the sense that he is careless. He takes on obligations that might not be fulfilled and therefore, violates his own words.

Nedar - “I promise to bring an offering of an animal.” The obligation rests on him.
If the animal designated dies, he must bring a different one.

Nedavah - “I promise to bring this animal as an offering.” If it dies, he has no personal obligation.

Righteous people may make a nedavah, since these do not involve personal obligation or personal liability.

פְּנֵדְרֵי פְּשָׁרִים לֹא אָמַר

Upstanding people never utter oaths.

Shita Mikubetzes - No! They are cautious not to declare promises that might not be fulfilled and to avoid situations that are difficult to maintain.

If they want to do something or intend to do something, they do it without any prior statements announcing their intent. Therefore, if you promise to do something in the manner of upright people, you have, in effect, declared that the oath is void, since the righteous would not make these types of statements.

Rambam (Hilchos Nedarim 1:26)-Righteous people do not make oaths to prohibit things or out of anger, but might do so to focus their intent on doing a mitzvah.

Also permissible in a time of crises: One can add to one's merit by promising to do a mitzvah.

הַעֲבוּדָה שְׂאֵגְלִיחָה לְשָׁמַיִם מִיָּד עֲמַדְתִּי
וְנִשְׁקַתִּיו עַל רֵאשׁוֹ

By the Temple service I will shave you, for the sake of Heaven. And immediately, I got up and kissed him on his head.

Tells the story of a person who saw his reflection in a pool of water and he felt pride in his handsome appearance and his luxurious hair. He realized that he concentrated on such superficial items, to the exclusion of that which might bring him greater happiness and longer lasting benefit and therefore, he resolved to become a Nazir. He was motivated, not to show the world he was holier than they, but to free himself from pride and reliance on possessions as an assessment of self worth and the judgment of others regarding his activities. He once saw children playing a game, which gave him great pleasure as a child. He wanted to join them, but he worried about what people would think if he lowered himself into the dirt and romped with the children. Such a reason for being a Nazir is better than the usual reason and Shimon Hatzadik honored such a Nazir, by eating of his Asham offering.

הָעֲבוּדָה שֶׁאֵגִלְחָהּ לְשָׁמַיִם מִיָּד עָמַדְתִּי
וְנִשְׁקַתִּיו עַל רֹאשׁוֹ

I immediately stood and kissed him on his head.

This is remarkable.

Are you allowed to kiss someone in shul? This occurred in the Bais Hamikdash and Shimon Hatzadik did this!

The rule is you are not allowed to kiss in shul, not even your little children. This is in order to instill in you the idea that there is no love that compares to one's love of HaShem.

R Moshe Feinstein says-Don't kiss during Tefillah, but if you are not davening, it is permissible.

Practice of:

Kissing one's Rebbe in Shul- Is permitted, since that is a kiss of honor, not a kiss of affection and kissing one's Rabbi for teaching, really honors the Torah, and honors HaShem.

Kissing a parent-Is a kiss of honor and is permitted.

Kissing the hand of a person who has an aliyah-Is permitted, it is a kiss of honor and is for the Torah.

We know it is permissible to kiss in Shul from our Gemara – above.

עוֹמְדִין וּמִתְנַדְבִין נְזִירוֹת

They would rise up and make a benevolent vow of Nazirus (a nedavah) which is considered virtuous.

A scholar was learning that one should never make a vow, but if he wished to express his intention, he should say “b’li neder”. However, he noted that when he was called to the Torah, he made a pledge according to custom and wondered if he should say “b’li neder.”

Ben Ish Chai, the Rav of Baghdad, ruled that he need not say b’li neder. First, he can’t fulfill the obligation now anyway. He can’t pay his pledge on Shabbos. Second, his intentions are pure and it is for a mitzvah to give him extra incentive. Therefore, he need not say b’li neder.

הָאוֹמֵר (לְחַבֵּירוֹ) קוֹנָם קוֹנָח קוֹנָס

If one says (to his friend), “Konam, konach, or konas,”

these are examples of equivalent terms used for different purposes.

Designed to avoid using formulas of oaths that include God’s name. So that if the oath is not fulfilled, there has been no violation of uttering God’s name in vain.

מִיֵּינָן שְׁלֵא יֹאמַר אָדָם לֵיה' עוֹלָה

Where do we learn that a person should not say, “To God I pledge an olah.”

However, he should say, “I pledge an olah to God.”

This is because he may stop, or be forced to stop, after saying God’s name.

He would have expressed the name in vain, if he did not complete the statement he intended to make.

This is learned from Vayikra 1:2, “an offering to God.”

This is extrapolated to our common greeting. The person who initiates a greeting to his fellow, may say, ‘Shalom Aleichem’. Shalom, being one of the names of God, without fear that he will not complete his phrase, for he will be protected by the merit of initiating a greeting to another person. The one responding is only involved in a courtesy and must take the precaution of saying, ‘Aleichem Shalom’, in case his use of the name may be aborted and thus, improperly used.

הַתּוֹמֵר

One who says...

A vow can be associated with another object; one permitted and the other prohibited.

That which I eat of yours, shall not be chullin. Chullin is not consecrated.
Not chullin - Consecrated or Kodashim foods. The word 'la Chullin' is a contraction of 'lo' and chullin.

כָּל תְּנַאי שֶׁאֵינוֹ כְּתַנַּי בְּנֵי גָד וּבְנֵי רְאוּבֵן אֵינוֹ תְּנַאי

Any stipulations not doubled, like the tnai (stipulation) of the Bnei Gad and Bnei Reuven, is not a valid stipulation.

A woman made a promise that she would stay on a diet or give money to charity.

Proper form: If I stay on my diet, I will not have to give any money to charity. If I violate my diet, I will have to give money to charity. This is the proper double stipulation.

Implications:

1. A pledge to charity may be due immediately, whether she broke her diet or not. Since she did not make a double tnai (stipulation), like the doubled tnai of Bnei Gad and Bnei Reuven.
2. Her husband could annul her vow on the day he first heard it. This is the law, even if she had her own money to pay the vow.

R Moshe Feinstein ruled- She only pays if she overeats, not just a tiny amount, but to an extent that people would call it breaking her diet. She pays nothing, unless she breaks her diet.

וְהָא דִּאֲמַר לֹא לְחֻלִּין דְּמִשְׁמַע לֹא לִיהוּי חֻלִּין אֶלָּא בְּקַרְבָּן

And here he said, “L’chullin”, (with a patach rather than a shva) implying that it is not chullin, but should be like a Korban.

The Maharam of Rottenberg was very careful during the high holy days to pronounce the words ‘achreinu l’chaim’ with a shva rather than a patach (which could mean ‘lo-chaim’, ‘not life’). Similar to our Gemara teaching us ‘lo chullin’ vs “l’chullin’.

R Meir says – Don’t worry, we do not draw negative influence from positive statements. Therefore, you can pronounce ‘l’chaim’, however you wish.

אָמַר הָרִינִי שְׁלֵא אוֹכַל בְּשָׂר וְשֵׁלֵא

If one said, “I hereby declare that I will not eat meat and will not drink wine today.” As on the day his father died.

There is a question as to whether this formula, identifying a non-universal restriction, that applied only to children of the deceased, is an adequate vow. It would be better if it be based on a universally accepted prohibition.

From here we learn of the custom of fasting on the day of the death of a parent and also on the day of their Yahrtzeit. How prevalent is this?

You are absolved if you attend a siyum. Therefore, you can bring items for a siyum to eat in Shul on the Yahrtzeit day and avoid a day of fasting.

Fasting is associated with atonement and one can imply that the death indicates the family has shown itself to be in need of atonement. It also gives an aliyah to the deceased.

כִּיּוֹם שָׁמַת בּוֹ אָבִיו

On the day his father died.

Planning a wedding that falls on a Yahrtzeit:

-Mazal (luck) is not auspicious for the family on that day.

-It is a day that is painful for the person celebrating the Yahrtzeit.

Therefore, a wedding should be avoided.

However, there is no halachic grounds upon which to postpone the simcha.

And in fact, the Berachos and “amens” recited, do elevate the soul of the deceased.

מִיֵּין לְנוֹלָד בְּכוֹר בְּתוֹךְ בֵּיתוֹ שְׂמִצָּוָה לְהַקְדִּישׁוֹ

How do we know that it is a mitzvah to verbally sanctify a bechor, who is born in his home?

Even though the first born is sanctified automatically, it is considered appropriate to actually declare his sanctity. Extrapolate from this, that when you give money for tzedakah, it is appropriate to declare, “This money is for tzedakah”. Even though as soon as you mentally decide that the money is tzedakah, it is tzedakah. It is still a mitzvah to declare it so.

We should be against those who give tzedakah publically for their own honor. The best way is to decide at home how much you will give. Separate the funds, declare that you set it aside. Carry it to the shul and give the money to the treasurer. You are thereby not swayed by outside influences. You get a mitzvah for deciding, separating, declaring, transporting and handing over the money- a total of five mitzvahs.

הַאֲמִיר

One who says

This discusses the difference between a person vowing not to eat of his friends food and using the word

- Korban - Korban
- Ha Korban - The Korban.
- Ke Korban - Like a Korban.

Just as he will not eat from a Korban, so he swears he will not eat of his friend's food.

הָאוֹמֵר לְחֵבֵירוֹ

One who says to his friend...

Nedarim- Vows take effect on objects.

Shevuos - Oaths, take effect on objects as well as on items that have no substance.

וְאֵלוֹ מוֹתְרִין

These declarations (leave the person who vowed), unrestricted.

This discusses vows that do not take effect.

An outrageous neder.

This lists nedarim which do not take effect at all, ever.

One must make a nedar comparing his action to something that becomes prohibited, not something that is always prohibited – such as pork, idolatry, etc.

An outrageous neder does not require annulment, since it never was effective.

הָאֵת בְּעַם הָאֶרֶץ

Here, an ignoramus.

A man made a vow that, on this point, he would not give in to his wife and if he did, she would be forbidden to him, just as are the three Cardinal Sins:

1. Idolatry
2. Impermissible sexual relations
3. Murder

His Rav said, “You may disregard your vow. You can’t make a vow on something which was always prohibited. It needs to be compared, for example, to a Korban which became prohibited, but was not always prohibited, as were the items you used.”

But the Rav also knew our Gemara, wherein we learn, that an ignoramus has to publically annul an invalid vow, so he won’t do it again. However, is this man such an ignoramus that he has to annul his vow? Of course he is. If he was a scholar, he would have known not to use such invalid language.

Daf Digest

שְׁבוּעָה שֶׁלֹּא אֵישָׁן שְׁלֹשָׁה יָמִים
מִלְקִין אוֹתוֹ וַיֵּשֶׁן לְאַלְתֵּר

(If he makes) An oath, not to sleep for 3 days, he is immediately liable for lashes.

He has pronounced an oath using God's name, that is physically impossible to fulfill and his words constitute a false utterance. We do not need to wait until he falls asleep. The statement is false by its very nature and he may sleep anytime he wants to.

A person who makes an oath (a neder) that he won't eat for 30 days. This is also a physical impossibility, because he will die. Does he, too, gets lashes immediately? The cases are not comparable. A person can choose not to eat and he won't eat. A person can choose not to sleep, but he will fall asleep against his will.

By not eating, a person can get so weak that his life is in danger. In that case (of pikuach nefesh), it overrides and defers his vow, so or he can eat small amounts frequently, so that he does not violate his vow. Also, by not eating, he may be fed by others and therefore, he is not putting food into his own mouth.

לֹא יַחֲלֵ שְׁנֵאֲמַר דְּבָרָיו

“He shall not desecrate his word”.

Following a custom is like making a vow.

A person who follows a particular custom related to a mitzvah, is considered as though he made a vow. Therefore, if he wishes to stop the practice, he must nullify his vow.

Is a child required to follow the customs of his father? If his father initiated that custom, no. But, if it is the custom in his family or town, for generations, then, yes. Did the child begin to follow his father’s custom and now wants to stop? He is not allowed.

If he never adopted them, he is not obligated to start.

For example:

- Shave his beard.
- Eat only cholov Yisroel.
- Wear the tefillin of Rabbienu Tam, etc.

שְׂאִין נִשְׁבְּעִין לְעָבוֹר עַל הַמִּצְוֹת

A person cannot make a vow that overrides a mitzvah.

Can a person make a vow not to build a succah?

Yes, there is no mitzvah to build a succah, only to sit in it.

But if he does not build it, he can't sit in it. Therefore, he should not be able to make a vow not to build one.

This is not correct, he can sit in his friend's succah and fulfill the mitzvah in that way.

Can a person make a vow not to go up to Eretz Yisroel? After all, there is no mitzvah to go up, only a mitzvah to live there. However, if he does not go up, he can't live there. Therefore, he is not able to make a vow not to go up.

שְׁלֵא אִתְּהֵנָּה מִן הַסּוּכָה

Can a person make a vow not to derive any benefit from a succah?

And then still go and sit in it?

First - A person may not make an oath not to do a mitzvah.

Second - “Benefit” is not the right word to use when we speak of the benefit of fulfilling a mitzvah. So sitting in the succah he swore not to benefit from, does not preclude fulfilling his mitzvah obligation there.

Third - But he also benefits by being out of the hot sun. Not so, since every Jew has a home and could enjoy the same protection there. Sitting in a succah is not considered a benefit to him.

A man swears not to benefit from a certain spring of water. May he immerse himself in it for the mitzvah? Only if he immerses himself in the winter!!!

יש נדר בתוך נדר

There is validity to a neder within the term of another neder.

But there no validity to an oath within the term of another oath.

Discusses an area where nedarim are subject to a greater stringency than oaths.

שְׁבוּעָה שְׁלֵא אֹכֵל שְׁבוּעָה שְׁלֵא אֹכֵל

He swears and swears the same oath again.

And oath (a shevuah) cannot take effect upon another oath. There can never be any validity to an oath, within the terms of another oath. It is different regarding Nazirus, where observing two terms is permitted. In fact, the second oath takes effect immediately, however, it cannot be fulfilled until the first term ends. It is merely postponed.

A man swears, “I swear that every time I do such and such, I will pay a penny to tzedakah”. Is this one oath, which can be annulled, or is it a series of oaths, since he said “every time” and needs to be annulled indefinitely? Do we have to go to the Rabbi every time for an annulment?

There is no clear answer. That is why we are told not to make oaths.

סְתָם נְדָרִים לְהַחְמִיר

A vague or non-specified vow is treated stringently.

A person made a vow which can be interpreted in different ways, since he was not specific, the vow can be interpreted either leniently or strictly. We must view it strictly.

Example: “I give this wine as a libation.”

If we interpret that he meant it to be for the Temple, it is valid and he must give it. If we interpret that he meant it for an idolatrous libation, he is not permitted to do that, so it is not a valid oath and he does not have to give it.

We assume that if he made an oath, it is a valid oath, one which obligates him. Otherwise, why would he make it? Since he did not specify, we interpret it strictly and he must give it to the Temple.

סְתָם נְדָרִים לְהַחְמִיר

A vague or non-specific oath is treated stringently.

A sick man promised not to eat his Yom Tov meal until he saw the people stream home from Shul. However, they were delayed in Shul by a great cantor or a great speech and he was getting weak with hunger.

He did not specify that he made his oath upon the assumption at the people would leave Shul at the usual time. Therefore, we hold him to the strict interpretation of his oath.

However, if he clarifies that this is what he meant and does so in a timely manner, we accept his clarification and deal leniently with him. At any rate, a sick person is granted leniency and both are reasons why the Rabbis permitted him to eat his lunch.

לֹא מַעֲיִיל לְסַפִּיקָא

A person does not want his property rights to be in doubt.

He would certainly not put his own person into doubt.

A woman bore her husband children, they all died and then, her husband died. She did not think that she fell into the class of yibum, since she provided her husband with children. She married another person without chalitzah. Her new husband is a Kohen. She does need chalitzah from her dead husband's brother and afterwards, she would be forbidden to her new husband. However, she refused to give him a divorce, without his paying a lot of money.

The brother wished to marry another, but had no divorce.

Ruling: The Kohen may take a second wife. R Gershom's Takkanah only prohibits a second wife, if the person is certain that he has a first wife. Here, the first marriage is questionable. A person does not prohibit something to himself that is on a questionable basis.

סֵפֶק בְּכוֹרוֹת

In a doubt regarding the first born.

The laws of bechor:

1. A person who is a male, first-born child of the mother, both of whose parents are Israelites. The father of the child is obligated to redeem him from a Kohen and pay 5 selaim.
2. Bechor of kosher livestock (first born male of a cow, sheep, or goat)-You must not use it for work or shear it's wool, but must give it to the Kohen. If it is unblemished, the Kohen brings it to the Temple as an offering.
3. Bechor of a donkey-You must redeem it for something of the same value (sheep, goat, etc.) and give that to the Kohen for his use.

What if we are not sure that it is a bechor?

If we are not sure, the Kohen cannot demand his payment, because for a monetary dispute, the item belongs to whoever has the item in his possession.

However, the initial prohibition stands, since it is an uncertain Biblical obligation and we deal stringently with that.

Continued-

What could be circumstances in which we are uncertain that we have a bechor?

1. A woman delivers twins, a boy and a girl, or 2 boys and we don't know who was born first.
2. One parent was a foundling and we don't know if he is a child of a Kohen or Levi. If so, they have no obligation to redeem. We assume they are not, since the majority are not.
3. We come to the barn and find that the animal delivered twins.

The Kohen has to prove that an identifiable bechor is present to receive his compensation, therefore, we rule leniently.

Yet, we rule stringently in the Biblical matter and do not allow the animal to be used for work or shearing.

נְדָר בְּחֵרֶם

I vowed, referring to a cherem.

After making a nedar (vow), a person may interpret it, such that, it is rendered void and this Mishneh gives examples.

Some are an effort at levity -

1. They do not need to be annulled.
2. If they come to a Rav for annulment, we punish them.
 1. This refers to the general population.
 2. This refers to scholars, who should know better.

How to annul a nedar-

A sage determines that:

1. The person, who made the vow, was not in his normal state of mind, at the time he made the vow and now regrets it.
2. If he had been aware of a new fact, he would not have made the vow.
3. The vow was based on a mistaken presumption and therefore, can be annulled.

שְׁהַבוּשָׁה מִבִּיָּאָה לְיָדַי וְרָאִתָּה חֲטָא

Being able to sense shame, leads to fear (avoidance) of sin.

When we stood before Mt. Sinai, the awesome phenomenon of Revelation was designed to imbue the Jewish people with the characteristic of embarrassment. The idea of sinning before such awesome power, sinning before God, would cause us to pause and avoid such behavior. It was done for the benefit of future generations (Deut 29:13-14).

Shame, or the ability to sense shame, is a good quality. In our generation, we bemoan our loss of this capacity. Everything is permitted nowadays and leads this generation to sinful behavior.

מֵאֵן מַלְאָכֵי הַשָּׁרֵת

Who are the ministering angels?

1. They are the Torah scholars.
2. They remain distinguished and separate from the general population.
3. They have an intense commitment to HaShem.
4. They are wrapped in their tallis all day.
5. They are always guided by Torah law.
6. They engage in no mundane activities.
7. They are considered the angels in Israel.
8. They help people develop a closeness and love of HaShem

Angels outside of Israel stir the people to anger and fury, to better fight off the Yetzer Hara and combat evil.

אַרְבַּעַה נְדָרִים הֵתִירוּ חֻכְמִים

The sages permitted four types of Nedarim (oaths), that are automatically null and void.

1. Motivational - In the haggling process between buyer and seller, i.e., ‘If I pay you more than 2 dollars for that, I swear it will be forbidden to me to use it’.
2. Exaggerated - A declaration meant as a hyperbole and not literally, in writing (25b).
3. Unwitting oath (25b).
4. Due to circumstances beyond one’s control - A nedar, whose condition is fulfilled unavoidably, rather than by choice (27a).

שְׁנֵיהֶם רוֹצִין בְּשֵׁלֶשָׁה דִּינָרִין

Both agree to three dinars.

One says, “I swear I will sell it to you for no less than 4”.

The other says, “I swear I will not buy it from you for more than 2”.

The halachah is though each swore, they may settle on 3 as a final price and neither has violated his nedar.

Only if:

1. They do not insist on their positions, but readily compromise.
2. They must tell us that our surmise is correct.
3. They always were ready to compromise to 3.
4. We can see that the vow was not meant literally.

הַנּוֹדֵר בְּאֵילוֹ בְּנֶה בְּמָה

Making a vow is like building an altar.

It is not the building of an altar that is prohibited. But having built it, it is very likely
The person will place an unauthorized sacrifice upon it and thereby, sin.

So, too, making a vow is not prohibited, except that it is very likely that the person
will violate the vow and that would be a sin.

Therefore, it is deeply frowned upon for a person to make a vow.

הַנּוֹדֵר בְּאֵילוֹ בְּנֶה בְּמָה

Making a vow is like building an altar.

So if a nedar is such a bad thing, why does the Torah even permit it in the first place?

Because some people need the special force of a nedar (vow) to make them do the right thing. For example, to break a bad habit. In that aspect, a vow can be a good thing.

However, we criticize vows, because we believe a person should be able to exercise self control, without such devices.

הַנּוֹדֵר בְּאֵילוֹ בְּנֶה בְּמָה

Making a vow is like building an altar.

It is not building an altar that is prohibited, but once it is built it is very likely the person will place an unauthorized sacrifice upon it and thereby sin.

So too, making a vow is not prohibited except that it is very likely that the person will violate the vow and that would be a sin.

Therefore, it is deeply frowned upon for a person to make a vow.

כָּל הַבוֹעֵס כָּל מֵינֵי גֵיהֶנָם שׁוֹלְטִין בּוֹ

Whoever becomes angry has all sorts of Gehinnom controlling him.

Anger is like idol worship. A person can momentarily lose his faith.

Ran - Anger leads a person to denying the Almighty (Nedarim 22a).

-Anger causes a person to be out of control, like a wild beast. He would destroy the world, if he could.

-Anger causes harm to one's physical health, as if the fires of Gehinnom had harmed him.

-Anger = 'chimah', from the word 'cham', 'heat'. A person who loses his temper invites the fires of Gehinnom into his being.

R Weiss -The inclination of a man's heart is evil from his youth. He must occupy himself with Chassidus to refine his character, or he will become angry and sin (Gen 8:21) .

דְּלִמָּא חַס וְשָׁלוֹם אֶחְזִיקִי יְדֵי עוֹבְרֵי עֲבִירָה

Perhaps, God forbid, I strengthened one to do a sin.

This is used in the discussion regarding assisted suicide.

Helping a person commit suicide is a sin:

- Handing over to the patient a supply of pills.
- Setting up a machine for the patient to activate.
- Informing the patient that his condition gives him the right, in Jewish law, to commit suicide, places a moral stumbling block and the patient is misled. (One who actually participates in the process, i.e., gives the lethal dose of medicine, is considered a murderer.)

Our objection to euthanasia is different from others:

-We do not believe there is any redemptive benefit to suffering. The pain of disease is not, in itself, a good thing. Retroactively, we may say suffering on earth relieves a person from suffering in Heaven, but we don't prolong the suffering, or fail to treat pain on that basis.

הַפּוֹעֵס אֶפִּילוֹ שְׂכִינָה שְׂכִינָה אֵינָה חֲשׂוּבָה כְּנִגְהוֹ

To one who loses his temper, even the Shechinah is not important to him.

Why is the Shechinah not important to him?

- God is not in any of his thoughts.
- It broadcasts his stupidity.
- His sins exceed his merits.

כָּל נֶדָר שְׁאֲנִי עֲתִיד לִיהוֹר הוּא בָטֵל

All the vows that I will make in the future, should be void.

There is a suggestion that one who desires that his vows not be binding, should make this declaration at Kol Nidrei.

Is it reasonable that a person should be allowed to make vows and oaths throughout the year without any responsibility, just because he made a statement in Shul on Yom Kippur?

-One should not rely on Kol Nidrei.

-One should avoid the practice of making vows altogether.

אם לא ראיתי בדרך הזה כעולי מצרים

If I did not see on this road, the number of people who left Egypt.

This is an example of an exaggerated and fantastic expressions of an oath.

Nonsense oaths, impossible situations, i.e., number of people, such as left Egypt, i.e., “if you don’t believe I saw such an impressive sight, I will prove it to you by swearing, “That if what I said is not so, I will go sit on the roof.”

We understand his point is to grab our attention, or to show us how important he is, therefore, his nedar (oath) is void.

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Weinbach p357

הוּו יוֹדְעִים שְׁלֹא עַל דְּעַתְּכֶם אֲנִי מִשְׁבִּיעַ אֶתְכֶם
וְעַל דְּעַת הַמָּקוֹם

I am having you swear, not as you understand the words of the oath, but rather as God and I understand the oath.

A debtor asked a creditor to hold his cane for him.

The debtor then swore that he had given the creditor the money he owed him.

The creditor swore and denied that the debtor repaid him and in a fit of anger broke the cane. The hollow cane contained all the money the creditor was owed.

Did the debtor make a false oath?

Did the creditor make a false oath?

If the debtor had sworn that he had paid his debt, that would be a false oath.

One who does not know money was placed in his possession, is not considered to have received it.

The debtor might have thought his interpretation of the truth was accurate.

This truth was really a lie. The Beis Din warns, “The oath you are taking is not in accordance with what you have in mind, but with what we have in mind”.

שְׁקוּלָה מִצְוֹת צִיצִית כְּפָנֶגֶד כָּל מִצְוֹת שְׁבִתוּרָה

The mitzvah of Tzitzis is equal to all the mitzvahs of the Torah.

Which is more important tzitzis and talis or tefillin?

Talis is equal to all other mitzvahs.

Not only is a talis equal to all other mitzvahs, it serves to remind us of all the other mitzvahs.

Tzitzis is not obligatory-you only need to wear them on a 4 cornered garment. If you have no garment, you do not need to go out and buy one in order to wear tzitzis.

Tefillin is equal to all other mitzvahs.

Tefillin is more associated with davening.

Tefillin is a mitzvah that is more associated with the body.

Tefillin is an obligatory mitzvah. One must put them on daily.

Purchase tefillin, if you only have money for one and not for tzitzis.

נְדָרֵי שְׁגָגוֹת

An oath made under a mistaken belief.

A third category of oaths that can be dismissed without needing to be released, is where the speaker was under a mistaken belief, a misapprehension.

For example: He was told that ‘so and so stole from you’. And then he replies, “I swear I will fire him from his job and hold all his wages”.

When we learn that no stealing took place, the vow is void. Since it was made on mistaken information.

Some say there is automatic release from the vow, if he says why he made it. For example, if he adds to the above “because he stole from me” and when that is found not to have occurred, the vow is automatically null and void. Others say, No, if he says ‘I made that vow because of the information, that I now found is not true’ then his vow is null and void.

תְּפוּס לְשׁוֹן רֵאשׁוֹן

Take hold of the first words

“It is the end of a person’s words that are important.”

The Gemara (in Sanhedrin 100a) rules that it is forbidden for a student to refer to his teacher by his first name.

However, King David referred to his teacher by his first name, “Miphiboshes, my Rabbi, did I judge correctly?” And also, we call Moshe Rabbienu by his first name.

If we add an honorific title, it is permissible to use the first name, as we did above. Others say only if the title is given first, i.e., Rabbi Sam and not Sam, my Rabbi.

Others say as long as you use an honorific title, it does not matter if it is before or after you mention the first name.

Daf Digest

וְחָלָה הוּא אִו שְׁחָלָה בְּנֹו אִו שְׁעָבְבוּ נְהָר

He got sick, or his son got sick, or the river flooded.

Fourth category of vows that are absolved without a formal hearing – Circumstances arose, that are beyond a person's control.

For example:

-A man makes a vow to visit his friend by a certain date, but the river is flooding and he can't get across. Did he violate his oath? Is he required to, for example, hire a boat, or engage in some danger to fulfill his oath?

-His own son gets sick and he does not want to leave him. (He could hire someone to sit with his son and fulfill his oath.)

-He, himself, got sick.

These are considered an oath beyond a person's control, i.e., unforeseen circumstances. They preclude his fulfilling his goal.

Must he fulfill his oath later, when conditions improve? No.

Ruled – The oath is void and null. He is not liable for not having fulfilled it.

This is true, even if he could technically do it, but it would add danger or expenses not previously anticipated.

וְחָלָה הוּא אֹו שְׁחָלָה בְּנֹו אֹו שְׁעָבְבוּ נָהָר

He got sick, or his son got sick, or the river flooded.

May a person (a father) make the bracha, ‘Hagomel’ for another person, i.e., his son?

Opinions:

- It is an unnecessary bracha to make for another person.
- A father and son are one. The father may make it and even for others (BT Berachos 54b).
- (BT Shabbos) – A child dies because of the sins of the parent. Therefore, if he, the son, survives, the father may bless ‘Gomel’.
- If the child is old enough to have reached the age of chinuch, he can make it for himself.
- Not until he is bar mitzvah, may he make it. Then, he should make it for himself.

וְאֵנוּס רַחֲמָנָא פְּטֵרֵיהּ

In cases of compulsion, the All Merciful One, exempts him.

God absolves.

A man borrowed money from his friend. When the time came to pay it back, the borrower said that he did not have the money, even though he had made an oath to pay it back at that certain time.

When brought to court, he claimed that when he made the oath, he hoped that HaShem would help him pay his debt back. He hoped for heavenly assistance, which, he says, he apparently did not have the necessary merit to receive.

If it is known that he is really poor, could not get a more lucrative job and could not borrow from anyone else, should he rob or steal?

We release him from his oath, but, of course, he must still pay the money back eventually.

וְאָנוּס רַחֲמָנָא פִּטְרֵיהּ

In cases of compulsion, the All Merciful One, exempts him.

Could he simply say: “I made my oath in good faith, but other, unexpected, expenses arose, which had to be paid. Therefore, I can’t pay on time. Yes, it is permitted.

Legal question: What if the creditor relied on the payback to fulfill his obligation and his oath to another, and he is now in default?

His oath also could be absolved.

Could the loses of the creditor be added to the debt owed him?

וְאֵנוּס רַחֲמָנָא פִּטְרִיהּ

In cases of compulsion, the All Merciful One, exempts him.

God will absolve him.

From a medical perspective, this same principle is used in the discussion regarding artificial insemination.

A man is obligated to father children. However, if he is not able to impregnate his wife, he is not viewed as having violated this commandment

Compulsion – duress - impossibility - frees him from the responsibility to do so.

In a way, he is in a better legal status than a man who has many children, but all of the same gender. If he continued, he might produce one of the other sex to fulfill the full mitzvah.

וְאֵנוּס רַחֲמָנָא פִּטְרִיהּ

In duress, the All Merciful One, exempts him.

The principle that compulsion absolves, is a principle limited to exoneration for legal liability. It does not permit any behavior. This concept is used in discussing homosexuality. The word ‘patur’ means, ‘patur aval asur’, ‘exempt from liability’, but the act remains forbidden.

This is the answer to those who claim homosexuality is involuntary and the person has no choice. He is compelled to be this way by his genes, hormones, brain wiring, etc. He is absolved, but is enjoined by Jewish law not to engage in that activity.

מִן לְאַלְתֵּר הָהָה גָּמַר וַיְהִיב גִּיטָא

He would have immediately given her a get, unconditionally.

A contract based on a condition, is “permitted” by the sages.

For example, “If I do not arrive in 30 days, let my rights be annulled”.

This concept is used in the expedient devised by the “sages of Spain”, to assure that a recalcitrant husband would not refuse a get to his estranged wife,. He enters into an prenuptial agreement to pay a specified amount to his bride. She would give him a release document, that forgives the groom’s obligation, if he executes a get for her.

One may declare a vow to murderers, plunderers and tax collectors...

(Continues the discussion of vows made when not under a persons control.)

One may:

- Declare a vow to murderers, plunderers and to tax collectors (unlawful tax collectors).
- Swear that the produce is terumah and can't be used by a non-Kohen.
- Swear that the property belongs to the Royal Household.
- Swear that the property is not allowed, even to him, if he is not telling the truth.

He may swear only about which the robber demands.

Others say he may swear about anything to ward off illegal, unlawful, seizures of property.

דִּינָא דְּמַלְכוּתָא דִּינָא

The law of the land, is the law.

The King levied taxes on city dwellers and non-city dwellers equally.

Those who did not live in the city, chose not to pay because they did not receive the level of benefit that city dwellers obtained from the taxes collected.

(This should not be considered a Jewish problem, right?)

So the King took all the back taxes from one wealthy Jew and went to the Rabbi saying, “All those Jews, who did not pay their taxes, owe me the money.”

(Now, it is a Jewish problem.)

The Rabbi said, “Whether the tax is fair or not, is not for us to say. The King made a law and we must follow it. Each person must pay his share of taxes.”

דִּינָא דְּמַלְכוּתָא דִּינָא

The law of the land, is the law.

All would concede that this was not the case, with regard to the odious laws of the third Reich. Jews during the Nazi era, were effectively denied access to and relief from, the German courts.

If you are denied access to the courts of law in the land, then the law of the land, is no longer the law. The only forum available to Jews for resolution of disputes, was the Rabbinic tribunals, whose decisions were predicated upon Jewish law.

קְדוּשַׁת הַגּוּף לֹא פִקְעָה בְּכַדִּי

Physical sanctity does not depart of it's own accord.

A bimah, for holding and reading the Torah, was built into an apartment and could not be moved without breaking it into pieces. Is it permitted to destroy an item used to serve a holy function? “Something that is sanctified, does not simply vanish”. Yes, it is not like an animal that is sanctified. The bimah is only so designated, for the holy activities done on it. Once the minyon moves away, it has no intrinsic sanctity.

Since the donor knew the bimah was to be destroyed, rather than moved, it was built in such a way, that it had an inherent flaw. Therefore, it is considered not holy, once the minyon disbands.

Daf Digest

אֲנָשִׁים זֵימָנִין דְּמִיבְסוּ רִישֵׁיהוּ וְזֵימָנִין דְּמַגְלוּ רִישֵׁיהוּ

Men, sometimes their head is covered, but children always have their head uncovered.

Is the practice for men to have their heads covered by wearing a yarmulke, mandated by halachah, or is it merely a custom?

This statement in our Gemara suggests that is not halachah, but merely a custom.

Tosophos (Tzemach Tzedek)- “Sometimes not covered” is to be practiced infrequently. Usually the head should be covered.

Chasam Sofer – Nowadays, who does not cover his head, is considered a sinner. It is an act of piety. It is an expression of fear of Heaven and is considered a halachic mandate.

Mishneh Berura - One should cover one’s head, even when sleeping.

Magen Avraham - For children, it is not the practice to cover their heads until the age of chinuch, to teach them respect for Heaven.

This was adapted to distinguish us from others, who decided it is more respectful to uncover their heads to worship. We do otherwise.

קוֹנָם שְׂאִינִי נְהַנֶּה לְבְנֵי נֹחַ

I restrict myself from deriving any benefit from the descendants of the Bnei Noah, i.e., non-Jews.

He is permitted to derive benefit from Jews.

This indicates that those who lived before Avraham Avinu, were not Jews.
They were non-Jews.

It is recommended that one should not name his child from names of those who lived before Avraham Avinu, but should name his child after someone who would have been able to keep the entire Torah. This includes names like Noah, Adam, Eve, Chanoch, Mehalel, even Shem and Ever. However, the custom is not to adhere to this recommendation.

חַיִּיב אָמַר שְׁמוּאֵל הַלּוֹקֵחַ כְּלֵי מִן הָאוֹמֵן

What is the law if you take an object to inspect it and it breaks, are you liable?

The seller has already agreed to sell it.

The price is already set.

The inspection is only for the benefit of the buyer. Therefore, once he picks it up or it is in his possession, it is considered his responsibility much as if he was a borrower.

As a borrower, any damage, even by accident, is his responsibility. Once the buyer has the option to buy, full possession is not in the hands of the seller anymore.

Therefore, the seller cannot consecrate it (or sell it to another).

Even more so if the buyer is put on notice, i.e., “You break it you bought it.”

However, if the buyer announces, “I have not decided to buy this until I inspect it and it meets my standards”, then he does not own it

גְּדוּלָה מִיֵּלָה שְׁנֵכְרָתוֹ עָלֶיהָ שְׁלֹשׁ עֶשְׂרֵה בְּרִיתוֹת

Great is circumcision, for through it, thirteen covenants were made.

The word 'Bris' occurs 13 times in the passage commanding Abraham to circumcise himself.

Is a Bris done to correct a defect in creation? Yes, by removing the foreskin.

Is it done to increase the sanctity of the people Israel?

Yes, by uncovering the tender membrane beneath it.

Rav Yosef Dov Halavi Solovetchik

Bais Halevi

גְּדוּלַּהּ מִיְלָה שְׁנִכְרְתוּ עָלֶיהָ שְׁלֹשׁ עֶשְׂרֵה בְּרִיתוֹת

The mitzvah of Bris is great, for through it, thirteen covenants were made.

There is great significance in the mitzvah of Milah.

However, Talmud Torah outweighs them all. A Yeshiva student has only two mitzvahs to focus on- learning Torah and never to speak Lashon Hara.

Chazon Ish - Learning should not be interrupted, even to attend a Bris Milah.

Milah is equal to all the laws of the Torah, “because of the sealing of this covenant (milah) with you, I give you these words (the Torah)” (Ex34:27 See #16).

Bleich 2:248

שָׁפַל זְכוּת שְׁעָשָׂה מֹשֶׁה רַבֵּינוּ לֹא עָמְדוּ לוֹ

Despite all the merit Moses had, it did not protect him.

It did not protect Moses from God's wrath, when he postponed the Bris of his son.

A child with Hypospadias needs the skin that would be lost at the time of a Bris, but is too young to have the Hypospadias operation on the 8th day.

Is it permissible to delay his circumcision to a later date?

Moses delayed the Bris of his second son when God told him to “go and return to Egypt” (Ex4:19). So why was Moses punished? Because he delayed longer than absolutely necessary. He involved himself with lodging first, as it says, “it was upon the way in an inn” (Ex4:24). He was punished for this unnecessary delay.

A delay that is justified, that will add to the health and normal life of the baby, is an acceptable reason to delay a Bris. However, the Bris should still be performed as soon as it is feasible.

אֵין מִזֵּל לְיִשְׂרָאֵל

The celestial signs are not effective regarding the nation of Israel.

Because their future can be affected by their deeds and their prayers, Jews are under the guardianship of God himself and are commanded to emulate His ways by resting on the seventh day, as He did. Others who pattern their behavior on the stars, must pattern their conduct on the constellations, who never cease their divinely ordained tasks, and, therefore, work on every day of the week.

By renouncing star gazing, Abraham became the recipient of God's direct guardianship and attained the right to emulate his day of rest, Shabbos.

Daf Digest

בֶּן שָׁלֹשׁ שָׁנִים הִכִּיר אֱבֹרָהֶם אֶת בּוֹרְאוֹ

Abraham recognized his Creator at age three.

How do we know? – (Gen 26:5) Because (eikev) Abraham harkened to my voice.

In gematria the word ‘Eikev’ = 172. Abraham lived to age 175. Therefore, at age 3, he harkened to God’s voice.

It is remarkable that such a young child thought about such matters. However, it is not such a surprise if he realized that everything in the world had to be made and that God made the world.

What is amazing, is that it implies Abraham realized the impact the presence of God had for mankind. The internalizing of this realization and making it an important part of life, is what was so unique.

(Shemos 15:15) We learn that the people of Edom were confounded when they learned of the splitting of the sea. Yet 38 years later, they were ready to make war with the Israelites, if the Israelites crossed over their border (Bamidbar 20:18).

They did not internalize the earlier historical fact, that God was on the side of the Israelites. They knew the facts, but did not use them. Abraham understood and acted upon it.

דְּבִשְׁעַת יֵצֵר הָרָע לֵית דְּמִדְּכֹר לִיה לְיֵצֵר טוֹב

When the evil impulse gains control, no one remembers the good impulse.

A prohibition has no power to influence once the evil influence takes hold.

A person immersed in desire, cannot extricate himself. By then, it is too late.

וּמְחֻזָּר לֹא אֶת אֲבִידָתוֹ

He returns a lost object.

May a person receive payment for returning a lost object to its owner.

He may not demand it. He gives no benefit to the owner by merely returning, that which he already owns.

Unless he must extend time and effort in finding it. In that case, he can be paid for his effort, his time and his lost wages.

However, the finder may accept a reward that was announced for its return.

If there is an announced reward, but the finder of the item refuses to accept it, it is recommended that the owner give the money to charity and not realize a benefit from the work of another person.

אֶלְמָא אַבְרוּחֵי אָרִי בְּעֵלְמָא הוּא

A person who chases a lion away from his friend's property.

The owner of the saved property, need not pay his benefactor.

What happens in the case of a person, who see a fire advancing toward his condo building, rushes out and bulldozes a clear path around the building, thereby, saving the condo from fire. Do the others living in the condo need to share his costs?

The condo owners say, no, quoting the above!

Bais Din says - The lion danger is only a possible danger. The lion might not have done anything, but go away on its own. Fire has a more certain likelihood of causing damage and all must share in the costs of preventing it.

דְּאִי אֲזַמְנִיָּה עָלָה

If the person who made the vow, invites the subject of the vow, to partake of it.

Does a guest own the food placed on the table before him? If so, when?

Opinions:

1. As soon as it is placed before him.
2. Only when he actually lifts up the food.
3. Only until he eats his fill and then ownership reverts back to the host.

Ownership of the guest is limited to the portion he will or did eat.

Can another guest take food off of his plate. No.

- If he does not choose to eat, may he take his portion home?
- If his family was invited but could not come, may he take their portion home to them?
- Can a guest assume all the food is his and take full plastic bags from the simcha?
- If it is customary to throw away leftovers, may he take them home?

Regarding all these questions, he must ask the Baal Simcha.

אִיסוּרָא לֹא בְּעִיְתֵי

Sins are not included.

Two partners agreed to share any business profits or loses.

One engaged in fraudulent dealings, was found out and fined.

The other partner knew nothing about the fraud and does not want to share in the costs of the fine.

You cannot designate someone to be your emissary to do something that is sinful, 'Ain shaliach l'dvar averah'.

וּמִלְמָדוֹ מִדְּרַשׁ הֵלְכוֹת וְאַגָּדוֹת

A person who has vowed not to be of benefit to his fellow, nonetheless,
may teach him....

Nonetheless, we may teach him.

We may receive no benefit from the dead, but can we study a corpse for medical purposes?

Since no compensation may be demanded for teaching, or for that matter in treating the sick, neither activity is considered a benefit and would be permitted.

Rabbi Goren - It is not forbidden to derive knowledge from a corpse.

Sefer Chasidim - The mitzvah of treating a patient is in the treatment of an illness, not the transmission of medical knowledge.

R Chaim Sofer - We may not use direct benefit, i.e., tissues from a corpse, but we may benefit indirectly, by gleaning knowledge, which may help us help others in the future.

Bechorot 45a - Students of R Ishmael studied a corpse to learn the number of internal organs to solve a halachic problem. That was deemed not to be a “benefit” and therefore, was permitted.

הַיְי בְּהַיְי שְׁלוּחֵי דִידָן הָוּוּ אִו שְׁלוּחֵי דְשָׁמַיָא

Are Kohanim, who perform in the temple service, acting as our agents or as the agents of Heaven?

For example: I swore, regarding a certain Kohen, that I would never derive any benefit from him (i.e., I would have nothing to do with him). If Kohanim are our agents, I would benefit from his doing the Temple service. However, if they are agents of Heaven, I would have no prohibition in place from benefitting from his doing the service.

You can only appoint an agent to do for you, that which you could do yourself. An agent is merely an extension of the principal. If the principal is not legally empowered to perform a procedure, his agent cannot either. Therefore, since we cannot perform the Avodah service, the Kohen cannot be our agent and must be an agent of Heaven. Therefore, he may accept the service of the Kohen, about whom, he made a vow.

Daf Digest

„שֶׁה לְבַיִת-אָבֹת” לֹא דְאוּרֵיִתָּא

“A lamb for each father’s house”, is not a Biblical obligation.

for minors (Ex12:3).

This verse requires everyone, who wishes to partake of the Pesach lamb offering, to register. However, since minors have no legal status to register, may they partake without registering?

What is the rule regarding a minor carrying on Shabbos? Especially regarding carrying something which is a mitzvah, for example, bringing keys to open a Shul?

-Carrying on the streets is only a Rabbinic prohibition.

-Carrying by a minor is also, only a Rabbinic prohibition.

Therefore, two layers of Rabbinic prohibition, in the face of a mitzvah, should be permitted. However, both are controversies, since some authorities say the streets are public. If the streets are a public place, ‘not to carry’ is actually a Biblical prohibition. Also, it is Biblically not permitted, to have a minor do something which is prohibited. Even those authorities who permit, permit only for the child’s benefit. Even those who permit the child to perform a prohibited act, permit him only to do an act that benefits him, not for the sake of others.

However, here, he should not be permitted to bring a key to open the Shul.

(However, since he also benefits, perhaps he may do so. LK)

מָה אֲנִי בְּחִנָּם אֶף אַתֶּם נִמִּי בְּחִנָּם

Payment for teaching or learning Torah.

Just as I (taught you) for free, so you shall also, do for free.

Torah must be taught free of charge (Deut 4:5).

Is this prohibition aimed at the teacher or the pupil? It is not prohibited to pay to learn Torah, but it is prohibited for the teacher to get paid to teach.

What is the rule regarding the proceeds from writing a book that teaches Torah? The extra effort to write and publish a sefer is not included in “teaching Torah free of charge”. One can even bequeath that right to his children, in order that they benefit financially.

וְעַתָּה פְּתוּבוּ לָכֶם אֶת-הַשִּׁירָה הַזֹּאת,

And now write yourselves this song.

And teach it to the children of Israel (put it into their mouths- Deut 31:19).

It has been debated as to what “this song” means.

Rashi says-It refers to parshat Haazinu.

Rambam - It refers to an entire Sefer Torah - the Pentateuch.

Megillat Taanit- ‘And place it in their mouths’, refers to the oral law, which should also be included.

The transcription of any Torah work, which will be used for study purposes, fulfills the mitzvah, even Torah Novella ‘chiddushim’. In fact, even writing a single letter, fulfills the commandment, since a Sefer Torah is not made complete until the last missing letter is added..

אֵין הַקָּדוֹשׁ בְּרוּךְ הוּא מְשַׁרְה שְׂכִינָתוֹ
אֶלָּא עַל גְּבוּר וְעֶשֶׂיר וְחָכָם וְעָנִיּוֹ

God only rests his presence on a person who is mighty, wealthy, wise and humble.

Humility is the most important quality to be worthy of the Divine presence.

A man who is only humble, but lacks the other listed qualities, cannot truly be humble, since he has nothing to be proud of. A man, in whom all the world's good qualities converge, who still maintains perfect humility, is most worthy of all.

אֵין הַקְּדוֹשׁ בְּרוּךְ הוּא מִשְׁרָה שְׂכִינָתוֹ
אֶלָּא עַל גְּבוּר וְעִשִׂיר וְחָכָם וְעָנְיוֹ

A prophet must be strong, rich, wise and humble.

Wise and humble, I can understand, but why rich and strong?

If one is weak and poor, it is natural for him to be humble, but if rich and strong, he might be haughty. His Yetzer Hara is telling him how great he is. If he is able to overcome his Yetzer Hara, he merits that the Shechinah should rest upon him (Midrash in Shemos).

Moshe Rabbienu grew up in the house of Pharaoh, yet was the most modest and humble of people. He was given the name of Moshe by pharaoh's daughter, while she was immersing in the Nile, "as in a Mikvah", to become Jewish. Therefore, for these two reasons, of the 10 names of Moses, God liked "Moshe" the best.

עַד שְׁנֵיתָנָה לוֹ בְּמִתְנָה

Until the Torah was given as a gift.

A well known Rav died and gave instructions in his will that his writing, his Responsa, not be published. It was believed by his family and colleagues that his Responsa might help many people. They asked the Netziv, who said “Moshe would forget Torah he learned, until God gave it to him as a gift. Torah is a gift, but a gift to everyone. Your father’s portion is his. He can use it for free and give it to anyone he wishes, for free, but it is not his to keep”.

It is no different than Terumah, which belongs to a person, but he must give it to a Kohen of his choice. He can’t withhold it.

The Netziv instructed the children that they had the right to burden themselves with printing and publishing their father’s Responsa.

וְזָן אֶת אִשְׁתּוֹ וְאֶת בְּנָיו

And he may support his wife and children.

May a person return a lost item to a judge, who will later hear his case?

After all, he merely fulfilled the mitzvah of returning a lost object.

Now must the judge recuse himself?

Is it considered a bribe to return something lost, that actually belongs to that person originally?

Piety and stringency require that he recuse himself.

בְּמָקוֹם שֶׁנוֹטְלִין שָׂכָר בְּעֵי לְמִשְׁקָל

In a place where they take money for sitting with a patient.

One is not permitted to accept payment for the mitzvah of visiting the sick.

It is a mitzvah and one should not take money for performing a mitzvah.

It degrades the mitzvah.

Although, for sitting, we may be paid because:

- You could do the mitzvah without sitting.
- The money represents reimbursement for effort and for loss of regular income, not for the mitzvah.

You should visit the sick, even 100 times, even if it takes away from your job (Nedarim 39b) and you may be reimbursed for lost wages. This implies that beyond the basic mitzvah, one is not obligated, if his lost wages will not be reimbursed.

Daf Digest

אִם אַתָּה עוֹשֶׂה דִין לְבֵן עֵמָרָם אָנוּ מְאִירִים
וְאִם לֹא אֵין אָנוּ מְאִירִין

“If you don’t render justice on behalf of Moses (in his controversy with Korach and his band), then we will not illuminate the world any longer.”

This was said by the sun and moon who challenged God.

What chutzpah to threaten God! Is this how we should interpret this passage?

Of course not.

The world was created due to Torah. The world continues in the merit of Torah study and the fulfillment of mitzvahs (BT Shabbos 88a). If the Jewish people accept the Torah, it will be good. If not, the entire world will revert back to being null and void. If the authenticity of Torah and its prophets are challenged, as Korach did, the very existence of the world is threatened.

The sun and moon were merely stating the obvious about what would happen.

They would cease to function, unless Korach was stopped.

אין שיעור לַמַּתָּן שְׂכָרָה

There is no limit to the reward.

Every morning, we recite no limit (Art Scroll, page 16).

We learn in our Gemara that visiting the sick has no limit and we should visit even 100 times. Why is this not listed in the Siddur or in the Mishneh, that we quote each morning?

Because there is a limit. At a certain point, it can become counter productive and a disturbance to the patient. Therefore, it is left out of our Mishneh.

אין שיעור לַמֵּתֵן שְׂכָרָה

There is no limit to the reward.

Visiting the sick has no limits. Even the great must visit the humble, even one hundred times a day.

Visiting the sick:

- Helps to shift the patient's attention from his pain and illness, to the joy of the company of friends and family.
- It reminds him of the life outside the sick room and re-enforces his determination to live on.

A visitor may attend to the patients physical needs, i.e., sweep the floor, etc. as occurred when R Akiva visited one of his sick students.

A visitor may pray for and with the patient. Prayers recited for someone else have greater power.

כָּל מִי שֶׁאִין מְבַקֵּר חוֹלִים כְּאִילוֹ שׁוֹפֵךְ דָּמִים

He who does not visit the sick is like one who sheds blood.

A sick man may need advice on many matters and his visitor may help him sort those items out.

The visitors may know of some remedy, another opinion or consultant who could help.

A poor patient may not have food to sustain him and to strengthen him to fight his illness.

Worries increase when a person feels alone.

All these factors weaken a patient's resistance, enforce his illness and could be prevented by a visit from an acquaintance.

וְדַרְחִים לִּי לְיֹבֵעֵי עָלַי רַחֲמֵי

Don't beg for mercy from Him, that will prolong the suffering of a sick person, for whom there is no hope.

In times of severe disease or pain, the Gemara suggests we may withhold prayers to maintain life, if it is not in the patient's interest.

We may pray that he live, if possible, but die mercifully and quickly, if it is so ordained.

The Rabbis were praying for the life of Rabbi Yehudah Hanasi, but when his maid saw how much he suffered, she threw a jug from the roof, which disrupted their prayers and he died (Kesubos 104a).

There are times when we may pray that the sick might die. When he suffers greatly and there is no hope that he can live.

וּסְתִירַת זְקֵנִים בְּנִין

And the destruction of the elders, is really building.

When the young and inexperienced wish to build, they believe it is best to throw out the old and begin fresh.

When those more experienced wish to build, they strengthen the positive, that is already in place.

They tell a story about the Chazon Ish, to whom they sent a bad student, who had attachments to bad friends. Instead of criticizing his friends and their bad influence on him, the Rebbe concentrated on all the good potential the student had and stressed the accomplishments (though meager) that he had achieved. The boy left glowing with joy and enthusiasm. Build up his self esteem and he will choose correctly for himself and abandon bad paths on his own.

לֹא לְיִסְעוֹד אִינִישׁ קְצִירָא לֹא בְתַלְתָּ שְׁעֵי קְדַמֵּיתָא
וְלֹא בְתַלְתָּ שְׁעֵי בִתְרֵיתָא דְיוֹמָא

A person should not visit the sick, in the first three or last three hours of the day.

A person feels better in the morning and you may not see a need to pray for him, if he looks good. In the evening, he is worse and you might lose hope for his recovery and fail to pray for him, since it looks futile.

Rambam: In the first 3 hours of the day, patients are being attended well and also, in the evening. You won't be able to assist the patient then.

Others suggest that posted visiting hours, are those the medical staff deem the best times to visit. Those hours should be adhered to, even if they list the first 3 or last 3 hours of the day.

מִטְרָא בְּמַעְרְבָא סְהַדָּא רַבָּה פְּרָת

When rain falls in the west, the Euphrates bears witness.

Waters of a natural spring can purify as they flow. Rain waters must be contained and stationary to purify. Therefore, there is no volume of flowing water needed to purify, but a collection of rain water must be a minimum of 40 seah, enough to fully cover an average person, who is submerged.

Flowing water is considered to be more connected, since its natural state is to flow.

Rain water loses its identify, when it flows and is only joined together in a collected pool. Therefore, that is when it can purify.

אֵינוֹ יוֹרֵד לְתוֹךְ שְׂדֵהוּ

He may not cross his field.

If one swears that his friend should not benefit, the friend may not cross his field.

Passing through one's field is a courtesy, which, though beneficial, is provided without cost. A property owner generally allows others to cross through his yard free of charge.

R Eliezar - However, a person who is denied benefit due to a nedar, such a favor is prohibited to him.

Chachomim - The favor is not prohibited, unless the nedar was stated in terms of himself, but not if it is stated in terms of his property.

Bais Yosef permits- Since they rule that the 'nedar to prevent benefit', is only 'benefits' that he must provide. However, passive benefit, that is of no cost to him, he does not mean to include. Therefore, crossing his property would be allowed.

אֲרֶעָא נְמִי אִפְקֵרָהּ

The land is also ownerless.

During the Schmittah year the produce is ownerless by virtue of HaShem's declaration, i.e., that it is Schmittah. Or does it require that the owner of the field declare the produce ownerless?

A person in a Schmittah year, says to his friend, "You are not allowed to use the produce of my field." If God declared it ownerless, the friend can still eat from it. However, if the owner, who is not observant, must make it ownerless and did not do so, the friend may not eat of it.

מִתְּנַת בֵּית חוֹרוֹן

Because of a decree arising the decree of “the gift of Beis Choron”.

A rich man wanted to leave his money to his daughter. However, he had borrowed heavily and had a lien against his assets. The father reasoned that if he bequeathed his money to his daughter, the creditor would get it and his daughter wouldn't benefit. So must he leave his money to someone else?

No. The Rabbis advised that he may bequeath the money to his daughter, with the stipulation that it cannot be used to satisfy any liens that predated his demise. Therefore, the creditor cannot get it and the daughter can enjoy the money.

מִתְּנַת בֵּית חוֹרוֹן

A decree arising from the gift of “Beis Choron”.

A man vowed not to give any benefit to a certain person (his own father). Therefore, he could not invite his father to his own grandson’s wedding, which was to be held in his own backyard. Therefore, he made a gift of the yard to a friend, so it would not belong to him. Therefore, his father could attend it. The friend gave it to Hekdesh, so he would not be involved in this duplicitous act. The Chachamim ruled that now the yard was Hekdesh, because a gift, which could not be given away, is not an actual gift.

מופקרת ליום אחד

You can make something ‘ownerless’, even for only one day.

For example, a man rents his animal to a non-Jew until Friday and the non-Jew fails to return it. In order for his animal not to be at work on Shabbos, the owner declares it ‘ownerless’. Therefore, it is no longer his animal that is working.

Can a shopkeeper declare his shop ‘ownerless’ each Shabbos and place a non-Jewish person there to serve his customers?

No - People know a Jew is making a profit on Shabbos.

Yes - He might put another in his place, only if he would, otherwise, suffer a great loss and if he does not do so, he will fall into trouble with the government.

הַמְּפָקֵיר אֶת פְּרָמוֹ

One who makes his vineyard ownerless.

The Talmud Yerushalmi teaches that though it is necessary to have 3 people hear your declaration, that such and such an object is ownerless, that only applies when the object is made ownerless by declaration. If it is ownerless by clear intent, i.e., he abandons it in the market place, 3 people are not needed and no declaration is expected.

What is the opinion regarding something you put into your garbage can, located on your property, is it ownerless? A person threw out an item and another took it out of the garbage can for himself. The original person wanted it back and claimed that since it never left his property, it is still his. If the yard excluded others, i.e., it had a fence, it is still his. Others say, if it is in the trash, it is ownerless, no matter how the yard is laid out. Is it sufficient to put your chometz in your garbage can on Erev Pesach or is it still in your possession?

Daf Digest

זֶה נִכְנָס לְתוֹךְ שְׁלוֹ וְזֶה נִכְנָס לְתוֹךְ שְׁלוֹ

This one enters within that which is his and the other enters within that which is his.

When 2 people own something (i.e., a field) together, how do we consider their ownership?

Does each own the entire property or only a part?

Does he only own 50% of any particular spot?

Does he fully own the part he is using?

Does he fully own no part of the field, but only a partial ownership in the entire field?

Two men owned a field jointly and each declared an oath prohibiting the other from deriving benefit from him.

Tanna Kamma says- Neither may enter on any part of the land, since each owns it all.

Reb Elazar ben Yaakov says-Each may enter the field, since we consider that he is walking on the part that is his. It is considered that when a partner uses a part of the land, the part he is using is 100% his. It is as though they agreed, “I will use it for 1 week and you will use it a different week.” Each owns it for his week.

וְכּוֹפִין אֶת הַנּוֹדֵר לְמַכּוֹר אֶת חֶלְקוֹ

We force the one making the vow to sell his portion.

Shimon makes a vow that his partner not benefit from him. The halachah is that Shimon must sell his portion of the property - Why?

Shimon has created the problem. If Reuven does not adhere to Shimon's declaration, it is Shimon who will have violated his vow. Since the only way he can prevent this is by selling out, we require him to do so.

If, however, Shimon declared that he will not benefit from Reuven, we allow him to control his actions, so as not to violate his oath and do not force him to sell.

קוֹנָם בַּיִת זֶה שְׂאֲנִי נִכְנָס

Konom (it is prohibited to me) that I will enter this house.

I declare myself to be prohibited from entering this house located at (– address) – forever.

He is forbidden from entering the house that is there, but if it is torn down and another house is built on the same lot, his prohibition to enter the house at that address is gone.

A building on a Yeshiva Campus named for a benefactor ‘forever’, “l’olam va’ed”, needs to be torn down. What should happen to the name on the building?

1. Don’t make a contract that lasts forever without clarification.
2. It is understood that ‘forever’ means for the life of the building.
3. The good done by the people who donated funds for the construction of the building, that is what will exist forever.
4. If feasible, name the new building or at least part of it, for the original donors.

הָרִי בֵּית הַכְּנֶסֶת דְּכַמֵּי שְׂאִין בּוֹ פְּרֵי חֲלוּקָה דְּמִי

Consider the case of a Shul, which is legally considered to not be large enough to be divided.

About 1/2 the members of a Shul wanted to break away and form their own Shul. It was suggested that they sell the Shul and 1/2 the money go to each faction based on their number of members. Each could then build or buy their own place.

Nedarim 46 tells us that the law of dividing does not apply to a Shul. This is not so. Only dividing a seat in a Shul is prohibited and a single seat, of course, cannot be divided.

וְאִיזְהוּ דְּבַר שֶׁל עוֹלָי כְּבָל

What is the property that belongs to those who ascended from Babylonia?

Is that property permitted to be used by anyone?

Communist countries restricted the building of ritual baths, Mikvahs. Therefore, to immerse vessels previously owned by non-Jews, was often impossible unless one wished to travel great distances to natural bodies of water. Since technically, no one owned the vessels in Socialistic terms, they could not have a specific non-Jewish owner previously. The people wished to use the above quote to decide that the vessels could be used without immersion.

R M. Feinstein ruled - They were really not ownerless. Instead they belonged to all the people. Surely, many were non-Jews and therefore, the vessels had to be immersed before being used.

וְהַסְפָּרִים

And the books.

What are the things that belong to the city, for example, that are municipal facilities?
The bathhouse, the Shul, the Sefarim and the town square.

If a person is foolish enough to declare another, certain, person is prohibited to obtain any benefit from him, can that person who is prohibited from benefiting from another-

- hear the sounds of his shofar? Yes, it is not personal gain, it is a mitzvah.
- may he teach him Midrash, halachos and agaddahs? Yes (Nedarim 35b).
- teach him Torah? No, it produces inner simcha and pleasure.
(That's why a mourner is restricted from studying torah.)
- may he lend him his Sefarim? No, not because of the studying he will do, but because he benefits, since the wear and tear is not on his own books.

וְהַתִּיבָה וְהַסְפָּרִים

The Ark and the books.

If a person is prohibited from benefiting from my property, he is also prohibited from those items I own in collective fashion, with the citizens of the city. For him not to benefit from my property, I must transfer my rights to a third party. Only in that way, will my vow not be violated.

Others say – A person may not restrict use of the Bais Haknesses or it's Sefarim. If he makes such a vow, it is meaningless.

A person lends space to the community to be used as a shul, but has a falling out with one of the members. Can he prohibit that person from entering?

- only if he prohibits all people from entering, otherwise he disgraces that person.
- only if there is another shul available to the person prohibited.
- if the space is only to daven in, and not sanctified as a Bais Haknesses, he may do so.

וְהַתִּיבָה וְהַסְפָּרִים

And the Ark and the books.

We are not allowed to derive benefit from a corpse. It is debated that anatomical dissection in itself provides no benefit, it only allows a person, at a later date, to use this knowledge to provide benefit in the future. It is suggested that mere observation of a dissection, is even less of a benefit and should be permitted.

Maharam Shick (Yoreh Deah #344)-However, learns from our Gemara, that obtaining knowledge from books is forbidden to a person who vowed to receive no benefit from the community. Since book knowledge is obtained by looking, so too, viewing the anatomical dissection of a corpse is prohibited, as a benefit derived from a corpse.

Radbaz, R Chaim Sofer says that unusual benefit, like examination of a cadaver for scientific purposes, may be permitted.

קְנִי עַל מְנַת לְהַקְנוֹת הוּא דְהָא סוּדְרָא

Whenever a kerchief is used, it is on condition to convey.

Something of value is exchanged by the kerchief and it must be considered legally transferred, for at least a moment, to effectuate that transfer.

Custom is that, after that moment, the kerchief is returned to its original owner.

מֵאֵן חוֹלִין רַבָּנָן

Who are the sickly people? Torah scholars.

Zohar – Torah weakens a person who learns it at first only.

Gra – If one learns Torah lishmah, it does not weaken him.

R Chaim Kanievsky - We should pray for the Chachamim everyday, because they are sickly. Since not every Chacham and not every minute is being used to study lishmah (and there are many levels of lishmah), as one progresses it imparts strength.

How do we know if we are studying properly?

Rav Chaim Vital says – Look to R Meir's words (in Pirkei Avos Ch 6 #1) (Art Scroll p581) If you merited to attain all those qualities, you are learning lishmah.

כִּמְאֵן מִצְּלִינָן עַל קְצִירֵי וְעַל מְרִיעֵי כִּמְאֵן כְּרַבֵּי יוֹסִי

Our daily Shemoneh Esrei, the Amidah contains a prayer for health and healing (Art Scroll p104) do we need to say this every day?

Rab Yose says (in BT Rosh Hashanah 16a)-Man is judged everyday, anew.

Rabbanim say- A person is judged only once a year on Rosh Hashanah and therefore, his fate has already been sealed. Therefore, daily prayer to prevent sickness or to be healed, is not appropriate.

Tosophos asks- The Rabbanim decided that the format of the Amidah is inappropriate and these prayers should not be said daily? Tosophos note that Reb Yehuda (one who agreed with the Rabbanim) said (Shabbos 12a), “When you visit the sick pray for God’s mercy.” Therefore, we see that, even amongst those who rule that a person’s fate is sealed on Rosh Hashanah say, it is appropriate to pray during the year for healing. Is this a contradiction?

No. According to the Rabbanim, the only decision on Rosh Hashanah is, who will become sick. All agree with Rabbi Yose, that prayer might reverse the decree and he may be healed.

כַּד נִפְקַת לְשׁוּקָא מִיבְסִיא בֵּיהּ וְכַד נִפְיֵק רַבִּי יְהוּדָה לְצִלוּיֵי
הָהָה מִיבְסִי וּמְצִלֵי

When she would go out to market, she would use it to cover herself and when R Yehudah went to daven, he would wear it and daven.

Rav Yaakov Emden, sites our Gemara, that it is acceptable for men and women to wear the same garment if it:

- is not designed to be for one sex or another.
- is a garment that is commonly worn by men and women.
- is a garment that can be male/female or unisex.

Do we count only Jews and their practice, to make this determination or the population in general?

For example: wearing pants – slacks – no zipper. Jewish practice versus the general population.

Sefer Hachinuch - If people dress in similar clothes, they are more likely to mingle, etc.

Daf Digest

אַתָּא אֵלֵיהּ אֵידְמִי לְהוֹן כְּאַנְשָׁא וְקָא קְרִי אַבְבָּא
 אָמַר לְהוּ הָבוּ לִי פּוּרְתָא דְתִיבְנָא

Eliyahu, the prophet, came and he called out the poor and said to them,

“Give me a little straw.”

12 and 12 do not 24

A story of Eliyahu and Rabbi Akiva:

Eliyahu came, in disguise, to the poor Akiva and his wife and asked them for some straw for his pregnant wife. “See, said Akiva, “there is a man so poor, he lacks even straw”.

If Eliyahu was coming to assist Akiva and his wife, why did he not, at least give them some monetary support, instead of showing them that there are people more needy than they were?

This was done to teach them to be satisfied with what they have. Money would have been spent and there is always need for more. However, a feeling of contentment and satisfaction, is a much greater gift and is self sustaining.

(Read from the Artscroll:50a1 line A 15 to 60a2 line 3)

הוֹאִיל וַיִּקְהַב לִי רְשׁוּתָא אֵיהֵדֵר לְאַחֹרַי

R Akiva said to himself, “Since she has given me permission, I will turn back”.

He did not even enter his house! Why not?

If you heat water to $\frac{1}{2}$ the temperature needed to boil and then let it cool, the effort you expended to heat it to that level, is wasted. Only if you continue until it is fully boiled, do you benefit from the first $\frac{1}{2}$ effort.

רַב גַּמְדָּא יְהִיב אַרְבַּעָה זוּזֵי לְסַפּוֹנָאֵי לְאַתּוּוּי בְּהוֹן מִיַּדְעָם

Rav Gamda gave 4 zuzim to sailors to bring him something back.

They bought a monkey that led them to find some pearls. To whom do the pearls belong? The sailors thought the pearls were inside the monkey, when they bought it. The monkey passed the pearls, which he had eaten.

What if I buy a book for you as your agent, and inside the book is a valuable item, does it belong to the book seller, to me, or to you?

What if you sell me a book for a fair price and I find a rare autograph in it, that makes the book more valuable?

Rule: A person cannot acquire something, if he is unaware of its existence.

אֲזַמְנִיה לְבִי הַיּוֹלָא

He was invited to the wedding.

Bar Kappara requested that Rebbi dance during his son's wedding.

How should one dance before the bride? What does this mean?

Answer: It means, rather to ask, what does one say before her?

We see that dancing before a kallah should really make a statement.

A statement of joy and happiness to gladden the heart of your friend.

וּבְנֵדָרִים הֵלֵךְ אַחֵר לְשׁוֹן בְּנֵי אָדָם

We view vows, according to the way people speak.

- #1 A person pledged to give money to tzedakah, in the event that a lost object was found. It was found, but only $\frac{1}{2}$ of it was found. Is he obligated to pay the full amount he pledged?
- #2 A person pledged \$1000 if she lost the weight that her doctor prescribed. Does she begin paying as she loses the weight, i.e., each lb = money, or only when she achieves the full goal?

We view vows according to the way people speak.

#1- He pays proportionally: $\frac{1}{2}$ found = $\frac{1}{2}$ tzedakah.

#2 Not pay money for each pound lost, but only after significant weight is lost, i.e., when people comment on her weight loss.

הַנּוֹדֵר מִן הַיַּיִן מוֹפֵר בְּיַיִן תְּפוּחִים

If a person vows not to drink wine. He is, non-the-less, permitted to drink apple wine (cider).

Because cider has a different name, it is different and not included in the vow.

If a person vows not to eat greens, he is permitted to eat wild greens (vegetables), because it has a distinct name.

People who discard all open water in the neighborhood of a death, are permitted to keep seltzer water, because it has a different name.

A sharp business man sold casks of wine at, what seemed to be, bargain prices. When the buyer opened his purchase, he found out it was apple wine, cider, not grape wine. He complained. The seller said, “You never specified and this is also called wine. Next time beware!!” “No”, the Rabbis said, “since apple wine has a distinct name, it can’t be interpreted as a proper exchange for grape wine!”

וְהָלֹא אֹמֵר אָדָם לְשִׁלוּחוֹ קַח לִי יֶרֶק אָמְרוּ לוֹ לְרַבִּי עֲקִיבָא

And they said to R Akiva, “A person said to his agent, purchase greens for me”.

Are gourds considered vegetables?

Chachamim say- No, because if an agent is sent to buy vegetables, but only gourds are available, he will return to who sent him and ask, if purchasing gourds is acceptable. Therefore, we learn from this, that gourds are not vegetables.

Akiva says- Not so. If they were clearly not vegetables, i.e., like legumes, beans, the agent would not come back to ask if the gourds were acceptable. Therefore, since the agent comes back to ask, that is a sign that some people do consider gourds vegetables and they could be an acceptable item, when commissioned to buy vegetables.

מֵאֵי דְּכָתִיב ,, וּמִמְדָּבָר מִתְּנָה וּמִמְתְּנָה נַחְלֵיֶיֶל
וּמִנְחֵלֵיֶיֶל בְּמוֹתֵי

What is the meaning of that which is written? “From the desert to Mattanah to Nachalayel to Bamos.”

The Gemara analyzes this verse, which purports to list the sites the Israelites passed, as listed in Parshas Masei. However, these places are not listed among them. What then, is the nature of these places.

It is to instruct us, that if we are exceedingly humble like a desert, lowly, barren and humble, the Torah will be given to us as a gift.

The Gemara wanted to teach us not to be haughty. It is a negative trait that is not easy to overcome.

וּמִמְדַּבֵּר מִתְּנָה”

From the wilderness to Mattanah.

A Torah student heard that a great scholar was in town and he wanted to meet him. He went to where the scholar was staying. However, when he asked an elderly man, who was sitting and learning, where he might find the noted scholar, he was asked, “Why waste your precious time looking for him. He is just an old man, with a long coat, who became a Rebbe. You would be better off to sit and learn a daf Gemara”.

The student reflected on his advise and did as was suggested.

Later at a seudah, he saw that the person being honored, was the Rebbe and he was that same elderly man, who advised him to not bother. He went up to him and said, “The Rebbe tricked me with his words.” “Not so”, said the Rebbe, I know the Rebbe better than anyone and you can take it from me, every word I told you, is true.”

וְאִם הִגְבִּיחַ עֲצָמוֹ הַקָּדוֹשׁ בְּרוּךְ הוּא מִשְׁפִּילוֹ

If he elevates himself, i.e., becomes haughty, God will bring him low.

However, if he repents his haughtiness, God will raise him up again.

God will bring him low-Means God will maneuver him into a sin, so much below his normal behavior, that he will be ashamed and repent. Thereby his pride-fullness will be cured.

The sin of the Golden Calf is taught by some as an example of this. The people deserved to repent for their many sins, but felt no heavy remorse or urgency to repent. But after committing the sin of the Golden Calf, it was so brazen a sin that, “the people mourned and no one put his adornment on himself” (Ex 33:4). They realized that they needed repentance.

תִּנָּיֵא יוֹצֵאִין בְּשֶׁק עָבָה וּבְסָגוּס עָבָה וּבִירִיעָה וּבַחֲמִילָה
מִפְּנֵי הַגְּשָׁמִים

One may go out on Shabbos wearing thick sackcloth, for protection from the rain.

May you go out in the rain wearing a plastic cover for your hat?

1. R M. Feinstein - No.

2. Rav Mordechai Yaakov Breisch – Yes.

3. Dayan Yitzchak Yaakov Weiss - No.

- A garment is defined as an item worn to protect the person, not his clothes.

Therefore, the plastic hat cover is not a garment and he can't use it on Shabbos.

- The primary factor is – Is it a garment? Do people wear it during the week as well?

If so, there is no basis for excluding it on Shabbos. In fact, it is common for people to wear a Yarmulke beneath their hat on Shabbos. It is not needed when you also wear a hat. But is permitted, since it is a garment. The same applies to a plastic cover.

- No, people use a plastic cover to protect the hat. As noted, a person will cover a new hat, but not an old hat. So it is clearly used to protect the hat, not the person and is therefore, not a garment. A hat and a yarmulke are garments and may be worn.

Daf Digest

אִימָא אֶפִּילוּ בְּתַחוּמָהּ הָא כְּתִיב בְּתַחוּמָהּ
 „וּמִדַּתֶּם מִחוּץ לְעִיר”

If you are in the techum of the city, you are considered to be in the city. But it is written, “You shall measure from outside the city” (Numbers 35:5) and the techum is outside the city.

In regards to all halachas, we consider the area around a city, the techum, to be part of the city. But in regards to a neder, we rely on colloquial use and people usually do not include the surrounding area, when they mention the city. This requires a local analysis in each case. What do the people of that area mean when they use the term “city”.

In the Torah (Bamidbar 35:5), “to measure from outside the city” means from precisely outside the city, which does not include the surrounding area. Therefore, a person who swears not to benefit from the city, may benefit from the surrounding area. This applies even if the area has no particular name of its own and a part of it is within the 71 amos and could be considered part of the city. It is not considered in the city for the purpose of VOWS.

Con't-

Why is this important? If the surrounding area is not considered part of the city, a get, written in that place with the name of the city, might not be a valid get!!!

In such a situation, we quote from Joshua, where it is stated that “He was in Jericho”, even though he was besieging the city and was obviously, not actually in it.

We see that if he is within the surrounding area of the city, it has the same status as the city itself. However, this is not so in case of vows.

אָסוּר בְּחִילוּפֵיהֶן וּבְגִידוּלֵיהֶן

He is prohibited to derive benefit by exchanging them.

Can you circumvent a vow by exchanging the item which is prohibited?

If a person, or someone else, is restricted from benefit and declares he will not benefit from a certain item (for example, a barrel of liquor), he may not benefit from the item received in exchange for it either.

A man had a brother who was a drunkard. The man restricted his brother from drinking alcohol from his barrels of liquor. The brother's daughter was betrothed and her uncle wanted to sell the liquor and give it to her as a dowry.

Is this permitted? Yes.

His brother was prohibited benefit from the alcohol, not the girl.

Second case – The man exchanged the wine for fruit. Can his brother use the fruit?

No.

שֶׁאֵת נְהֵנִית לִי עַד הַפֶּסַח אִם הוֹלַכְתָּ אֶת לְבֵית אָבִיךָ עַד הַחַג
אֲסוּרָה בְּהִנָּאתוֹ עַד הַפֶּסַח

A man prohibits his wife from any benefit from him until Succos, if she visits her father anytime before Pesach.

We do not know now if she will eventually go and visit her father. Can she benefit from her husband now? If she eventually does go to her father, benefit from her husband is not allowed from the time the vow was made.

Rav Nachmon – We do not restrict her, until she actually goes to visit her father.

Rav Yehudah - There is a rabbinic decree against her benefiting from her husband from the moment the neder is made. Since if she benefits and then goes, the benefit was retroactively prohibited. Since we know of that potential, she is restricted now.

Continued-

Considerations:

His intention is to prevent her from going. If the punishment is to start only after the violation, most of the punishment can be circumvented. She may go only a few days before the second holiday and be punished only for those few days. That is not his intention.

However, to start the punishment now, means she will be punished until Passover, even if she never goes to her father, since we don't know if she will go. To punish her even if she does not go, is also not his intention.

Daf Digest

דְּתַנִּינָא לִיטְרָא מֵעֵשֶׂר טָבֵל שְׂזֵרְעָה בְּקֶרְקַע

We learn that a “litra”: of untithed maaser was planted.

He must tithe maaser for the new growth and also, for the old obligation, i.e., he must tithe twice.

If you sell an item and obtain a profit, there is a tithe called ‘maaser kesafim’ that you are to pay.

Question:

For example: If you buy an item, transport it, store it, advertise for a buyer and sell it, do you pay maaser kesafim on the sale price or on the profit, after deducting expenses..

In the case of maaser on the grain you grow-You separate 10% of it, regardless of how much you spent to plant, cultivate, harvest, etc. You do not deduct expenses. In regards to produce, you are obligated to separate it from whatever the ground yielded.

In regards to merchandise- You should separate 10%, as thanks for your profit. Therefore, you may deduct your expenses. As in our Gemara, two tithes for two seasons. Each time the earth yields, there is created a new obligation to give a tithe.

וְהָרִי תְרוּמָה דְאִי בְעֵי מִיתְּשִׁיל עָלָה

But terumah is something for which he can petition, if he wishes.

If you make a Bracha to eat and then change your mind, what is the law?

It was the custom that every purchaser of shmurah matzah took his own challah, since it was not taken by the manufacturer. One manufacturer decided to change that and offer his matzahs with challah already taken. He went to his matzo factory, took a large amount of dough and made a bracha on taking challah. His foreman heard about this and questioned him, “What you did will cut into our profits and besides, people are likely to continue their custom of taking their own challah. Therefore, each of their brachos will be l’vatalah, because of what you did. Go to a scholar and ask if you can take it back, so people will not perform a bracha l’vatalah.”

Rav Zvi Pesach Frank said-There is no problem. If you make a bracha after washing for bread and change your mind, you do not have to force yourself to eat. The bracha was pure when you made it and if you later decided differently, it has no bearing on your earlier bracha. The same applies here, with regards to the bracha for challah, made by the owner of the matzo factory.

אָמְרֵי בְּתֵרוּמָה בְּיַד בַּיֵּן עֲסָקִינוּ דְּלֹא מְצִי מִיְתָשִׁיל עֲלֵהּ

We are dealing here with terumah that is already in the hands of a Kohen, for which, he cannot petition.

Can a person annul a designation of terumah? Not if it already reached the hands of the Kohen.

A person pledges money to tzedakah, can he withdraw or annul his pledge?

Shulchan Aruch - Yes, if he obtains the annulment from a Torah scholar.

Our Gemara - No, if it already reached the hands of the tzedakah collector.

Rashi - Once the recipient has received the item, the donor cannot retract his pledge, even with the aid of a Torah Scholar.

The Noda B'Yehudah, Rav Yechezkel Landau says-The 2 cases are different. The terumah has reached its intended recipient, but the tzedakah is in the hands of a middle man. It can be rescinded anytime before it actually reaches its intended beneficiary, the poor person.

קוֹנָם יַיִן שְׁאֲנִי טוֹעֵם הַיּוֹם

I am prohibited from wine today.

“I prohibit myself from wine today”. He thought that since he said ‘today’, he could, perhaps, drink at night. After all, he had not mentioned ‘night’ at all!

The Rosh says- If he mentions “today”, it is over at night fall. The neder is satisfied when the time is up.

חֹדֶשׁ זֶה אֶסוּר בְּכֹל הַחֹדֶשׁ וְרֵאשׁ חֹדֶשׁ לְהַבָּא

If a person vows “for this month”, he is prohibited for the entire month. Rosh Chodesh is part of the next month.

How long is a month?

A Pidyon Haben is held on the 31st day after birth, to be sure 30 days has elapsed. However, if the 31st day falls on Shabbos, we can consider 29 days, 12 hrs and 793 ‘parts’ (‘chalakim’), to constitute a complete month.

If a man gives a get to his wife and says, ‘If I do not return in 1 month, the get becomes valid.’ On the same day of the month that he gave the get to her, even if it was a deficient month (i.e., only 29 days) and he returned before 29 days/12 hrs/793 chalakim, the get is effective.

If a man makes a vow to be prohibited for ‘this’ month. His vow is over at Rosh Chodesh. We utilize the way people mean when they speak, to interpret the length of the obligation.

שְׁנָה זוֹ

This year.

If one makes a vow to abstain from wine this year, he is forbidden wine only until Rosh Hashanah, for then, ‘this one year’, ‘the entire year’, has passed.

(Jeremiah-Ch 28) A confrontation between Jeremiah and a false prophet, Chananyah ben Azur, took place on the 5th month Av. Jeremiah informs Chananyah that since he misrepresented HaShem, he would die that year.

However, we learn that he died in the month of Tishrei. To die within the time frame we discussed, he should have died before a new year.

Our sages say that Chananyah actually did die on the day before Rosh Hashanah, but in order for Jeremiah's prophesy to appear in error, he ordered his children not to bury him until after Rosh Hashanah. Therefore, the death was within the year and our Gemara's definition is accurate.

וְאִם אָמַר יוֹם אֶחָד שִׁבְעַת אַחַת חֹדֶשׁ אֶחָד שָׁנָה אַחַת
שָׁבוּעַ אֶחָד אָסוּר מִיוֹם לְיוֹם

If one said, “One day, one week, one month, etc,…”

When a person declares a prohibition for himself, for a certain time period, he intends that a full cycle of time elapse with the prohibition in effect. For example., if he says a day, he means for 24 hours, etc.

However, if the Torah says ‘a day’, it means only until the next day starts, i.e., at nightfall. For example: “You may not slaughter an animal and it’s offspring on ‘one day’, ‘yom echad’” (Lev 22:28). The halachah is that if you slaughter one before twilight, the other may be slaughtered that same night after dark.

וְרַמְיָנְהִי מִי שֵׁשׁ לוֹ שְׁתֵּי בָּתָי מִשְׁתֵּי נָשִׁים

A contradiction arose regarding one who had two daughters from two wives!

“A person does not place himself in an ambiguous situation willingly”.

A man has 2 pair of daughters, one from each of his 2 wives. He declares that he has accepted Kiddushin for “the older one”. Which one is the older one? The eldest of the older set, the older of the younger set, or perhaps the younger of the older set (who is older than the older of the younger set)?

A man puts up wine twice a year. On the 3rd year, he makes a vow not to drink his old wine. Does he mean the old bottle of the oldest year, or oldest bottle of each year, or the oldest 3 bottles, or all 4?

Ruling: When a man makes a neder, he intends to prohibit himself from anything which could possibly be indicated by his words, even ambiguous possibilities. When declaring Kiddushin, his intent was that she should be married and any ambiguity would prevent that. Therefore, the eldest of all the girls had Kiddushin and all but the youngest bottle, is prohibited.

וְרַמְיָנְהִי מִי שֵׁשׁ לוֹ שְׁתֵּי בָּתָי בָּנוֹת מִשְׁתֵּי נָשִׁים

A man has 2 pair of daughters from two wives.

A man brought a Sefer Torah to Shul, to be used and he never said it was a loan or a gift. Years later, he wanted to repossess the Torah. The question came up since he had never specified, perhaps the community had acquired it. The sextant (Gabbai) refused to allow him to remove it.

The Rebbe ruled: The most obvious choice in a case of ambiguity, should be made. For instance, the eldest of all the girls, should be the one engaged and if he had never made it a gift, the Sefer Torah still belongs to him and he may take it with him whenever he wishes.

A person does not place himself in an ambiguity willingly.

רַבִּי טַרְפוֹן אֲשַׁפְּחִיָּה הֵהוּא גִבְרָא בּוֹזְמַן שֶׁהוֹקֵפְלוּ הַמִּקְצוּעוֹת דְּקֶאָכִיל

A wealthy man found R Tarfon taking figs after harvest, that were left in the field by the owner,

who, because of the insignificant amounts involved, had relinquished ownership of them. The owner mistook R Tarfon for a robber, who recently victimized the neighborhood, captured him in a sack and was going to kill him.

R Tarfon cried out, “Woe to Rabbi Tarfon, who this man is going to kill.”

His name was recognized and he was released. R Tarfon always regretted that he had used the crown of Torah for personal benefit (BT Bava Kamma 59a).

He could have offered to pay for the figs, rather than be freed on the basis of his fame as a torah scholar.

Eliezar Reira was jailed for wearing black shoes in public, mourning for the destruction of Jerusalem. When he told the authorities about his reputation as a Torah sage, such signs of protest were permitted to him. It is judged, not that he used Torah for personal benefit, but only for explanation and clarification of his actions.

Exploiting the crown of Torah.

עֲשֵׂה דְבָרִים לְשֵׁם פְּעֻלָּם וְדַבֵּר בָּהֶם לְשֵׁמָם

Perform good deeds for the sake of their Maker (who decreed them) and speak of them for their own sake.

What does Torah Lishmam means?

Ran - Do good deeds for the holy one, who decreed them.

Do good deeds :

- for the sake of doing good.
- for their own sake.
- to increase your knowledge.
- to deepen your understanding of the profundities of the Torah (Rosh).

Baal Shem Tov- 'Lishmam' means, 'with d'vekuth,' a special connection/attachment of the student's soul to the creator; an emotional awakening (Nefesh Hachaim Part IV) (see Devarim 30:20).

Pirkei Avoth 6:1 - He who occupies himself with Torah for its own sake, acquires many things (Weiss #244).

שְׂרִי לִיּוֹה לְאִינִישׁ לְאֻדוּעֵי נַפְשִׁיהָ בְּאַתְרָא דְּלֹא יָדְעֵי לִיּוּח

A man may reveal his identity, where he is not known.

When may a person speak about his personal accomplishments?

Compare to Prov 27:2, “Let a stranger praise you and not your own lips.”

However, this proverb applies to a place where you are known. Where you are not known and if for good reasons, a man may reveal who he is (with regards to scholarship or piety).

Zohar - Self praise is a sign of ignorance.

וְתָנָא דְבֵי רַבִּי יִשְׁמַעֵאל „וְקִדְשָׁתוּ”
 לְכֹל דְּבַר שְׁבִקְדוּשָׁה

A baraisa was taught in the yeshiva of R Yishmael:

We are to give honor to the descendants of Aaron, in all matters of holiness.

The Kohanim serve to purify and lift up the people. They perform sacrifices which atone for us and bring us closer to God. They should get preferential treatment regarding an Aliyah Berachos, before and after meals, and proper portions.

What is the rule regarding preferences in dividing partnership property? - No.

What is the rule regarding preference as a Shaliach Tzibur, if he is a mourner and there are other mourners as well in Shul? - No.

Serving as a Shaliach Tzibur is owned equally by all members and therefore, we are under no obligation to give the Kohen priority.

רוב עצים להסקה ניתנו

Most of the wood will be used for fuel.

Don't put a stumbling block before the blind.

When is it termed 'a stumbling block'?

Can you sell your forest to a person who may use it to make idols, or for firewood for his idol? May you sell food to a person who will not make a blessing on the food?

The majority of the wood would be used for fuel which is a legitimate purpose.

As long as you do not actively assist the person and he takes the sandwich himself, he has the choice to make a blessing or not. You are not responsible for having put the opportunity in front of him. If he has a choice, it is not a stumbling block.

אָדָר הָרִאשׁוֹן פּוֹתֵב אָדָר הָרִאשׁוֹן
אָדָר שְׁנִי פּוֹתֵב אָדָר סְתָם

First Adar, one writes Adar I. Second Adar, one writes just Adar.

Which is the unspecified Adar?

In leap years, we add an additional month called Adar. Do we add Adar I or do we add Adar II?

1. Adar I has 30 days.
Adar II has 29 days, like all the other Adars.
2. Purim falls in Adar II.
3. Purim and Pesach must follow in consecutive months
4. If a boy is born in Adar, his 13th year is a leap year. Which Adar does he become Bar Mitzvah? Adar II.

Adar II is the regular Adar, Adar I is the added month.

קוֹנָם בְּשָׂרַי שְׂאִינִי טוֹעֵם עַד שִׁיהֵא הַצּוֹם

Meat is prohibited (konom) for me to taste, until it will be the fast.

How proper is it to eat extra food on the evening before a fast? Does it not fortify the person, so as to protect him from suffering or experiencing the hunger fasting is supposed to cause and the reflection on his sins that fasting is designed to produce?

Yes, however the halachah is that it is indeed permissible to eat filling meals the night before a fast, in order to alleviate the difficulties of the fast and make the fast easier.

Daf Digest

פּוֹתְחִין לְאָדָם בְּכַבוֹד אָבִיו וְאִמּוֹ

We can open (i.e., break) a vow out of concern for the honor of a person's father or mother?

The Chachamim prohibit it.

Can a father tell you to break a vow?

A son had the habit of immersing in a cold mikvah. His father prohibited it.

Question: Must he listen to his father?

This matter does not relate to his father's honor.

Can the father restrict the son from performing a mitzvah?

The son, by his habit, has a chazakah, similar to a vow. Would he need to be released in order to be able stop?

Release requires the person to repent and regret the vow. Here, he does not regret the vow, but only that his father is upset. Perhaps he could say, "Had I known that my father would object, I would never have made that my practice," and that might suffice.

Finally, we can recommend that the father be spoken to by the son and reassure him that no harm will come from his immersion in cold water. The father may retract his request for his son to cease this practice.

עַד שְׁפוֹתַיִן לוֹ בְּכָבוֹד אָבִיו וְאִמּוֹ

Just as we can find an opening to annul a vow based on the honor of his father and mother, so can we also find an opening for him to annul his vow (based on the honor of God).

Why are you considered a sinner, even if you keep your vow?

(Deut 23:23) “If you refrain from vowing or swearing, there will be no sin upon you.”

(Nedarim 77b) Rav Zavid - By making a neder, even if you fulfill your word, you are categorized as a sinner.

(Nedarim 22a) - Other frightening aspects of making a vow are listed.

16-Nedarim 64a3 line 20A15
Weiss #87

אַרְבַּעַה חֲשׁוּבִין

Four are considered as dead.

A poor person, a leper, a blind man and one who has no children.

The essence of living is giving. The poor can't give, the leper lives away from the community, the blind needs help and the person without children has no one to bequeath his legacy.

They are all limited in how they can give of themselves.

אַרְבַּעַה חֲשׁוּבִין

Four are considered as dead.

There are 4 groups of people who are compared to the dead:

1. The poor.
2. Those struck with tzoraas, (a type of Leprosy).
3. The blind.
4. The childless.

In the Midrash they are listed 2,1,3,4.

A couple wanted to donate to a charity in Israel, but were not sure which of the four problems to help alleviate. The third category is not in a person's power to change. This passage was, therefore, used to narrow down the list of possibilities for their donation. They eventually chose to build an eye hospital to heal the blind.

אֵין מַתִּירִין לוֹ אֶלָּא בְּפָנָיו

You cannot cancel a vow involving another person, except in his presence.

- #1. If Reuven has his neder released without Shimon being aware of it, Shimon might think Reuven acted improperly.
- #2. Reuven might be embarrassed to tell Shimon that he cancelled his vow, not to benefit him. This rule assures that Reuven is sincere and open.

This only pertains in the event the vow involves Shimon. Otherwise, even if Shimon hears that Reuven made a vow, he does not care about it, if it does not involve him.

אָמְרוּ לִיָּהּ כָּל הַנוֹפֵל אֵינוֹ נוֹפֵל לְיָדֵי גַבְאֵי תְּחֻלָּה

He, who falls upon the community for charity, does not fall, at the beginning, into the hands of the charity overseer.

Whoever becomes needy, does not have to immediately go to ask for public charity funds. A person's friends and relatives should first see what they can do. Spare the person shame. This is the best place for private benevolence and charity.

R S. R. Hirsch - Each person should think of him or herself as the administrator of funds, lying in his hands to be used for charitable and holy purposes. He should eagerly look for opportunities to dispose of these funds, which he realizes do not, ultimately, belong to him.

פּוֹתְחִין בְּיָמִים טוֹבִים וּבְשַׁבָּתוֹת

The opening for cancelling a vow can be based on festival days or the Sabbath.

If one wishes to annul a vow, a sage must find a reason. A common approach is that the person says, “Had I known what I know now, I would never have made such a vow.” However, it must be a reason that was already in existence at the time the vow was made. He can’t regret or claim error about a situation, if it was impossible to know about it and therefore, it could not be used as a reason to annul the vow.

Example #1: “I vow I will never accept any benefit from Joe.” Later, Joe studies and becomes a scribe and I need his services. I go to the sage and ask that my vow be annulled, since I did not know when I made my vow, that Joe would become a scribe. If I had known, I would never have made such a vow. No annulment of the vow is permitted.

Example #2: A man was being pressured to marry a young, ugly girl and he vows not to marry her. Later, she grows into a beauty and he wants to have his vow annulled. All Jewish girls are beautiful and the vow is in error. She really was attractive, but needed maturity, for it to be realized. The vow was in error, so it never took place and can be annulled.

הוֹתֵר בּוֹלוֹ

All is nullified.

All or nothing.

A neder, which is part of a whole, was nullified. This causes the neder to be nullified in its entirety.

-A man made a vow that he would not eat meat or drink wine and he rescinded the part about eating meat. Is the part about wine also cancelled?

-A man made a vow that those 20 people will not benefit from him, but once he learned that amongst them was his father, he rescinded the restriction on his father.

Is the restriction on the other people also cancelled?

The second scenario- All are grouped, so rescinding a part, cancels all.

The first is like two vows and rescinding one does not cancel the other.

To make the second vow a series, he could have said, “I restrict Reuven, Shimon, Zevulin, Yehudah, etc, from benefit from me.”

Then, rescinding only one, could be accepted.

Daf Digest

שֵׁן תּוֹתֵבֶת הִיְתָה לָּהּ וְעָשָׂה לָּהּ רַבִּי
 יִשְׁמַעֵאל שֵׁן שֶׁל זָהָב מִשְׁלוֹ

She had a false tooth and R Yishmael replaced it with a gold tooth.

Can a person wear a false tooth on Shabbos?

Questions: Is it permitted to walk in a public domain with a false tooth and if so, what type of tooth? (BT Shabbos 64b)

- A wooden tooth? Is permissible to wear because it is embarrassing. No one will take it out to show it.
- A white gold tooth? - Is permitted because looks like other teeth.
- A silver tooth? Is permitted, but it will later tarnish.
- A gold tooth? - This is a question, since we fear she might take it out to show her friends and carry it 4 amos.

However, if it was not permissible, R Yishmael would not have made her a gold tooth, so we conclude that it is permitted.

הֵפֵר הָאָב וְלֹא הֵפֵר הַבֶּעַל

The father revoked the vow, but the husband did not revoke it.

How does a father's or a husband's revocation differ from the revocation provided by a sage?
A father's or husband's revocation differs from the cancellation provided by a sage or of 3 laymen.

- If a sage annuls a vow, it is retroactively cancelled, as though it never existed.
- If a father or a husband annuls a vow, it only discontinues the prohibition, but it was in effect until then.

Implication: The person who vowed, violated her vow.

- If a sage annuls it, she has no penalty for the violation. The vow was retroactively cancelled.
- If a father or a husband annul it, she is punished, because the violation occurred while the vow was in effect. It is only cancelled from here on.

Rambam suggests an analogy to a rope with a knot in it.

The sage unties the knot in the rope. It looks like it never had a knot.

The father or husband cut the rope. The knot is still in it, but the rope no longer binds.

Mutar = 'permitted' means, untied.

Mufar = 'revoked' means, that the vow exists, but there is an obstacle. Therefore, the vow does not continue.

הֵפֵר הָאָב וְלֹא הֵפֵר הַבֶּעַל

The father nullifies, but the betrothed does not.

Or, the betrothed nullifies, but the father does not. Therefore, her oath is not nullified.

What if the second party was silent?

If the second party was silent for 24 hrs, the oath stands.

-Silence is considered confirmation of the oath.

“If her husband is silent for a day, he has sustained the oath (Bamidbar 30:15).”

Methods of confirmation:

1. Not being challenged by either husband or father for 24 hrs.
2. Being actively confirmed by one. Nullification by the other, is then meaningless.
3. Being challenged by one, but silence for 24 hrs, by the other.
4. Being confirmed by both (of course).

[הִנִּיחַ אָבִיהָ] אֶתֶּהּ

“And her father restrained her” (Num 30:4-6).

Is an adopted daughter the same as a natural daughter in regards to revoking vows?

A husband may revoke the vow of his wife. The rationale being (see 73b) that the wife, by marrying, subjects her will to that of her husband.

But why can a father revoke the vow of his daughter?

No rationale is given in the Gemara, but we assume that since he is allowed to sell her, collect her wages and marry her to whomever he wishes, he can control her vows as well.

How, then, can he annul the vows of an adopted daughter, in whom he has none of the above monetary interests?

As long as the adopted daughter considers him her father, and subjects her vows to his consent, he has the authority to revoke her vows.

לְבֵית הַלֵּל מִקְלָשׁ קְלוּשׁ

According to Bais Hillel, the vow is weakened.

A father and a fiancée must both revoke the vow of the girl. If one revokes and the other sustains, what is the effect?

B Shammai says - It cuts away $\frac{1}{2}$ of the vow.

B Hillel says - It weakens the entire vow.

Why does it matter?

A girl vows not to eat two olives, but does eat them.

According to:

Bais Shammai-She did not violate her vow when she ate one of the olives, but when she ate the second olive, that act created a violation, for which she can be punished.

Bais Hillel - Neither olive is prohibited any longer and though she partially violated for each olive, there is no punishment.

בְּעִי רַבָּא יֵשׁ שְׂאֵלָה בְּהֵיקָם אִין אֵין שְׂאֵלָה בְּהֵיקָם

Can a vow be nullified after it has been sustained?

Once the father (or fiancé) or husband sustain the vow, can it be nullified?

Just as a person can go to a sage, and with good reason, have the vow annulled; a sage can annul the sustaining of a vow, if done on the same day it was first learned about.

אִם תִּמְצָא לֹזֶמֶר הִיא לֹא אָמַר לָהּ

If you wished to say that he did not say to her, explicitly.

One of the reasons given for a father to be permitted to overrule his daughter's vow is to enable him to educate her properly. It is a sign that he has not done so, if she makes a vow which is not in keeping with his principles.

When a father says at his son's Bar Mitzvah, "Baruch she'petrani mayonsho shel zeh", 'It is a blessing that I am no longer responsible for any sins of this one'. The father does so, without using God's name, because a father who has not educated his child correctly, is still responsible for the child's sins, even after Bar Mitzvah. Therefore, he could not recite a full blessing, that he has been relieved from 'this one's punishment'. The account of that child's sins is still upon him.

Daf Digest

בְּעֵלָה וְאָמַר וְאֲנִי אֵין יָכוֹל לְהַפִּיר

If he says, “and I”, he is no longer able to annul.

Because that phrase suggests that he joins her, in the vow.

What is the language necessary to confirm a vow?

A father or husband can confirm a vow with no specific language of confirmation. It even occurs if nothing is said, and the day he heard of it, passes.

However, to annul a vow, the father or husband must be explicit. It cannot be done by silence, or in one’s heart.

וְכִי יִגְזַר גְּיִיז

And he cuts away.

And he cuts away half of the vow.

R Akiva taught that a partially nullified vow, is completely nullified. (Yerushalmi)

All or nothing – why?

What is the rationale of R Akiva? His support is the sentence (in Bamidbar 60:3) which says, “All that a person says with his mouth, he shall do.” This implies that only when a person can fulfill his entire commitment, is the vow in effect.

However, as soon as part of the vow is cancelled, only part remains and therefore, it is no longer binding. Also, if a person wanted his vow to be effective even partially, he would have pronounced his vow so that his intentions would be understood.

We see this opinion in every contract written to this day. There is a passage that states, “Even if part of this contract is found to be not enforceable, it does not invalidate the rest.”

הָאוֹמֵר לְאֶפּוֹטְרוֹפּוֹס

He speaks to an administrator (Lapotropos).

Can a person appoint an agent to annul his wife or daughters vows?

Yes, based on the principle that a person's agent, is like himself.

No, since the Torah (Num 30:14) specifies that only the husband is authorized to revoke his wife or daughter's vows. This makes revocation of a vow, an exception to the rule of agency.

Can chalitzah be done by a messenger? No.

הָאוֹמֵר לְאַפוּטְרוֹפוֹס

He speaks to an administrator.

The limits of agency:

Can an agent effect for another person?

Marriage? Yes.

Divorce? Yes.

Tithing ? Yes.

Mitzvah of sitting in succah? No, because you must do it with your own body.

Putting on tefillin? No, because you must do it with your own body.

Agency is effective in an action, but not in a passive experience, such as hearing.

He cannot commission an agent to do what he cannot do. The husband is not present and can't hear. Therefore, the agent can't revoke the oath, since he cannot "hear" for the husband.

חֵרֵשׁ מֵהוּ שִׁפְּרָה

How may a deaf person revoke a vow?

Can a deaf person revoke a vow for his wife?

Obviously, he cannot hear her vow.

Possibilities to consider:

- The Torah only mentions the usual method of a husband learning these facts.
- The Torah accepts learning about the vow in any way.
- The Torah required hearing the vow by a person capable of hearing. However, if a person is not capable, other means are acceptable.
- The Torah means to exclude the deaf husband from being able to revoke his wife's vows. This latter seems the answer (see 73a1 line 10 B20).

Daf Digest

רַבִּי עֲקִיבָא אָמַר לֹא לְאַחַד וְלֹא לְשְׁנַיִם

R Akiva says: Revocation is not possible, neither if she fell to one Yavam, nor if she fell to two.

Who can nullify the oath of a woman?

Choices:

Father

Husband

Fiancée

Yavam

Who can nullify the oaths of:

1. An unmarried daughter? Her father?
2. A wife ? Her husband.
3. An engaged daughter? Either her father or fiancée.
4. A yevamah? Her father only, not the yavam, even if maamar (commitment) has already occurred.

R Akiva says - A yevamah is not completely acquired by the yavam, as an arusah is completely acquired by her husband.

מִתְּנִיתִין נִמִּי דִיקָא

Our Mishneh is precise.

Can you circumvent a vow by exchanging the item prohibited?

No, he is prohibited from benefiting by exchanging the items involved.

If a person declares that he will not benefit from a certain item, he may not benefit from the item itself, nor an item received in exchange for it.

A man had a brother, who was a drunkard, and he restricted the brother from drinking alcohol from his barrels of liquor. The brother's daughter was betrothed and her uncle wanted to sell the liquor and give it to her as a dowry. Is this permitted? Yes. His brother was prohibited, not the girl.

Second case – The man sold his wine and bought fruit. Can his brother use the fruit?
No.

הָאוֹמֵר לְאִשְׁתּוֹ

כָּל הַנְּדָרִים שֶׁתְּדַוְּרִי מִכֵּאֵן עַד שֶׁאָבֵא מִמְּקוֹם פְּלוֹנֵי הָרִי הֵן

He says to his wife, “All vows you make from now, until I return, are confirmed.

Future vows, can they be approved now?

He says to his wife, “All the vows you will make” , he has said nothing.

1. Can a vow be sustained before it is made?

No. because he may agree now, but, perhaps, would not agree to the details of the vow, once it is actually spoken. He would have made a mistaken approval.

2. Can a vow be annulled before it is made?

Yes, if the Torah allows the husband to nullify an oath that has already been spoken, he can certainly nullify an even weaker vow, that has not yet even been spoken.

וְיָמָּה מִקְוָה שְׂמַעְלָה אֶת הַטְּמֵאִין מִטּוֹמְאָתוֹן

A mikvah has the power to uplift a person from a state of defilement, to a state of purity.

When does the mikvah convey this state of purity? When the person immerses in the water or when he leaves the water?

The person removes himself from the world of impurity and enters the world of renewal. He rejoins his source, by submerging in water that was not drawn by man and he is, thus, reborn.

He leaves the state of self-nullification, experienced in the water, to a new life, that is the moment that purifies.

Probably it is a continuum, a process not complete, until he exits the water.

R S.R. Hirsch proves the fact: If a person in a mikvah touches a sheretz, he is tamei and must go out and reenter the mikvah, to become tahor.

הַפְּרַת נְדָרִים כָּל הַיּוֹם

Nullifying a vow may be done for an entire day.

In regards to vows, how long is a day?

How is the day counted?

1. That day until night fall?
2. 24 hours from when the vow was first heard?
3. 24 hours plus the hours he was incapacitated?

Answer:

1. Strictly until that evening,
2. Rosh – Strictly and no time is added for incapacity or mistake.
3. R Yose ben Yehudah, R Elazar Ben Shimon - A full 24 hours (+) the hours he was incapacitated.

If vowed on Friday night, he must respond by Saturday evening.

Vows follow “and it was evening and it was day”. Therefore, up to 24 hours or until night fall that day.

Sacrifices – Konem is a Korban-related term, where night follows day.

Therefore, the Gemara wants to teach us that day follows night, in matters of vows.

Weinbach 376

חֵיָא בַר רַב שְׂדֵי גִירָא וּבְדִיק

Rav Chiya Bar Rav shot an arrow while examining a case of annulling a vow.

Why does the Gemara tell us about R Chiya shooting an arrow? It is a seemingly bizarre behavior.

Why did he do it? - There are two possible reasons:

1. To show that annulling vows was an easy matter; all the person, who vowed, needed to say is, “I regret.” “I regret that I ever made this vow,” and R Chiya granted annulment. It required so little intellectual effort, that he could do other tasks at the same time.

You must annul a vow in that day, or within 24 hrs.

Majority view – A vow can be annulled only until the end of that day. R Chiya agreed with this view.

Or R Chiya agreed with the view that the vow must be annulled within 24 hours. So he shot the arrow in the wall to mark the spot where the sun and shade were located and he would know when the 24 hours were up. He made as an improvised sundial.

Rav Huna would sit or stand when annulling a vow.

The actual halachah is not a full 24 hours, but until nightfall on that day.

וְנִשְׁאַלִין לְנִדְרִים שֶׁהֵן לְצוּרָה הַשַּׁבָּת

We may petition for annulment of a vow, for things necessary for Shabbos.

Not allowed because:

- Gathering 3 laymen or 1 expert is, itself prohibited, as it gives the appearance of arranging to issue judgment on Shabbos.
- It is also prohibited, because of fear it might lead to writing. Even though no writing is needed when a vow is released.
- It may be considered an unnecessary distraction from the spirit of Shabbos and require unnecessary exertion.
- To try to release one's vow can be viewed as pursuit of one's personal mundane agenda on Shabbos, which is a violation.
- It also appears as if one is fixing something on Shabbos, which is not allowed.
- However, if the vow is relevant to Shabbos, you may gather, meet and release the vow on Shabbos.

וְנִשְׁאַלִין לְנִדְרִים שֶׁהֵן לְצוּרָה הַשַּׁבָּת

We may petition for an annulment of vows, for things necessary for Shabbos.

Example:

A woman brought her challah to be baked in the communal oven at the bakery of a certain baker. She stayed away a long time. Her husband was angry that her absence was so long and forbade her to use that baker's oven. The husband made a nedar that he would no longer eat challah baked in that oven.

She thought he was foolishly jealous. She liked that oven. Some days there was a longer line of women, than on other days and it might take longer, but it was worth it to her. On Shabbos, the husband regretted his rash words, but what could he do? He had made a vow and so he went to ask his Rav. He was told that he could go to a Chacham to have his vow annulled, since to do so, was for the needs of Shabbos.

You could eat regular bread, but challah enhances the Shabbos.

מוֹעֲדֵי ה' צְרִיכִין מוֹמְחָה

The festivals of HaShem need an expert to declare them.

Sanhedrin, in the Lishkas Hagazis – Sanhedrin decides (Rambam Sefer Hamitzvos #153)

Sanhedrin, in Eretz Yisroel - Sanhedrin decides

Sanhedrin not in Eretz Yisroel – Decided by astronomical calculations

No Jews at all in Eretz Yisroel – No arrangement of the months and no festivals can be declared. It is impossible that would happen.

Rambam - Any competent panel of 3 laymen or 3 judges may declare the month, even if the Sanhedrin was in the Lishkas Hagazis.

Rabbi Hillel Hanasi established the calendar.

This rule extends to releasing vows also to this day . 3 competent laymen or 3 expert judges, can release vows.

וְאֵלוֹ נְדָרִים שְׁהוּא מִפֶּר

These are the vows he may nullify.

What type of vows may a father or husband nullify?

Husband – A husband may nullify only 2 classes of vows.

1. One where the wife will experience physical harm or suffering if the vow would be fulfilled.
2. A vow that interferes with the husband and wife relationship, or causes resentment between them, “between man and his wife” (Num 30:17).

Father – A father may nullify any vow of his daughter, because almost anything the daughter does, or does not do, affects their relationship. For example, if she vows to use makeup or to not use makeup, may effect whether she marries and he gets, or does not get, the Kiddushin money. If she returns after the death of her husband, the father is limited to nullify only those vows a husband could nullify.

Daf Digest

וְרַבִּי יוֹסִי סָבַר דְּחַד יוֹמָא לֹא שְׂמִיָּה נִיּוּל

R Yusi maintains that the repugnance of not bathing for one day, is not called repugnance.

A vow that afflicts can be revoked by a husband or a father.

Is there any degree of affliction, or any time length, that is considered a minimum duration needed to call it a vow of affliction?

Any amount of affliction, whether large or small, and any duration, long or short, is considered a vow of affliction and a father or husband can revoke it.

Examples: -Not bathing, singing, or listening to music.

-Making herself ugly for 1 day (is still considered making herself ugly, according to the Rabbanim).

מַעְיִוֵן שֶׁל בְּנֵי הָעִיר

Regarding a spring that belongs to one city.

And other cities nearby have no spring of water.

We are taught that the lives of the citizens of that city, take precedent over the lives of others (including water for their cattle, and even laundry), since lack of clean clothes poses a danger to health.

The Rabbis use this passage in the discussion of donating an organ (living donor) to another person, if it contains any element of danger.

There is no legal requirement to endanger oneself, even if the danger is not certain or great.

Example: A ruler says, “Allow me to cut off your limb or I will kill this other person.” If cutting your limb does not endanger your life, you should allow it.

The Radbaz says, No! – even if there is small risk to your life, you have no obligation to do so. If you do, hoping to follow the law of, “don’t stand idly by”, you are a foolish saint, a ‘chasis shoteh’.

However, if the danger is small and the injury is not to a limb, but to a part of the body that “heals itself,” you may accept that small risk. For example, the removal of a kidney, leaves no adverse affect on the person, much like removal of blood and bone marrow.

The same may be said for partial live donation and is therefore, more readily accepted nowadays (assuming that the surgical procedure itself, is not a danger to the donor).

לְכַבֵּי־סֵתֶן חַיֵּי אַחֲרִים קוֹדְמִין וְכַבֵּי־סֵתֶן חַיֵּי אַחֲרִים

Regarding the lives of others and their own laundering. The lives of others take precedence over their own laundering.

Your town has a scarce resource water.

You have enough for your drinking, but not enough for the next town down stream to drink. Town one drinks.

You have enough water for drinking and for the next town to drink, but not enough to wash your clothes.

A says -Town #1 drinks and town #2 drinks and clothes go unwashed.

B says - Town #1 drinks and town #1 does its laundry. Town #2 does not get any water to drink.

Does he mean to say that washing clothes is more important than peoples lives? No, town #2 is able to purchase the water and are only inconvenienced. Town #1 does not have to give away what it needs. You do not have to give tzedakah to prevent inconvenience to your neighbors, only to provide their necessities, after attending to your own.

הִזְקֵרוּ בְּחִבּוּרָה

Be careful to study in a group.

Students sharpen each other's mind, as well as the mind of their teacher.

Studying in company ensures greater keenness and understanding, than studying alone.

‘Make yourself into groups to study the Torah’- (BT Berachos 63b).

Just as a knife can be sharpened on the side of another knife, so can a scholar sharpen himself with contact with a colleague.

BT Taanith - The words of the Torah do not endure with him, who studies alone.

הַזְהִירוּ בְּבָנֵי עֲנִיִּים שְׂמֵחַן תֵּצֵא תוֹרָה

Do not neglect the children of the poor, for from them, will go forth the law.

The poor have no other occupation, plus they are humble. They will be able to concentrate on their studies, and the attribute of humility is necessary for success in the study of Torah.

הִזְהָרוּ בְּבָנֵי עֲנִיִּים שְׂמֵהֶן תֵּצֵא תוֹרָה

Be careful to teach the children of the poor, because from them will come great Torah Scholars.

A rich man had a beautiful daughter and there were two possible shidduchim for her. Each was an excellent student with many fine qualities. One came from a wealthy family with a lineage of scholars and the other from a simple family. The father could not choose. He asked his Rav.

The boy with great yichus was surrounded all his life with learning. His knowledge was infused into him by his stimulating surroundings. He had no hardships to test his personality traits.

The other boy achieved equally, without that support. He did it on his own, which demonstrates his strong drive and character. He will continue throughout life with these traits. Choose him.

וּמִפְּנֵי מָה אֵין מְצוּיִין תְּלִמְיָדֵי חֲכָמִים לְצֵאת תְּלִמְיָדֵי חֲכָמִים מִבְּנֵיהֶן

Why is it unusual for scholars to have sons who are scholars?

Because they do not say the blessing before studying the Torah.

Certainly they say the prayer if they are scholars! However, that prayer states, “We bless God who gives us the Torah”. But they view that they received the Torah from their scholarly father and not directly from God.

Because of this, the land lay in ruins. The people forgot their direct connection with God.

לֹא-שָׁמְעוּ בְּקוֹלִי הֵיּוֹנוּ ,, לֹא-הִלְכוּ בְּהִ"י

‘I had set before them and they did not obey my voice’ (Jeremiah 9:11-12).

Why was the land destroyed?

Because:

- They abandoned the Torah.
- They did not say the bracha before studying.
- They thought Torah study was just preparatory to learning how to live their lives.
- They did not realize that it is a mitzvah unto itself, and not merely a means to an end.
- They did not revere the Torah, but followed it only after they understood it (rather than the more ideal of, “Naaseh V’nishma”, “We will do and we will listen”, as stated by their ancestors).

לֹא-שָׁמְעוּ בְּקוֹלִי׃ הֵיּוֹנוּ׃ לֹא-הָלְכוּ בְּהִי׃

They did not heed my voice, means they did not follow my way.

“Why has the land been lost?”

Not one sage, prophet, or angel could offer an explanation.

This indicates there was some subtle sin that was not easily discernible.

-“They abandoned the Torah”.

-“They have not obeyed my voice”.

The Gemara concludes that the sin was that the Jewish people did not make a blessing on the Torah. Only God knows the sincere innermost thoughts of man and only He knew that the Torah was approached as though it was just another form of wisdom and insight, and not important enough to offer a blessing on the opportunity to learn. Therefore, the people did not receive full merit for studying and were therefore, not protected from punishment for other sins, which caused them to lose their land.

שְׁנֵי אַמְרֵי שָׁמַיִם לֹא יִחַל דְּבָרָיו

Because it says: “He shall not desecrate his words”.

If a person follows a certain halachic practice with the intention to continue that practice, he has created a vow to continue and is not permitted to cease that practice. He has a ‘chazakah’!

However, to create a chazakah, he needs to intend to adopt that practice as his custom and if he does intend to adopt that practice, even one time creates the chazakah.

Shulchan Aruch- Follow a practice 3 times and then, even without intention, it becomes his chazakah.

-The number 3 is not mentioned anywhere and only the word, ‘s’ragil’, ‘accustomed’, is mentioned.

-Even 2 times could be considered s’ragil. However, many authorities assume it takes 3 times for a person to become accustomed to a certain behavior.

יָפֵר חֶלְקוֹ וּמְשַׁמְתּוֹ

He should revoke her vow and she may cohabit with him.

A Dayan, a judge, hired by the community had a falling out with one of the wealthy members of the community. The Dayan vowed not to derive any benefit from that man. This raised the question of whether the Dayan is permitted to continue to take his salary from the community fund, which is at least in part funded by this man.

Tashbatz says -If the wealthy man gives only his obligatory amount to the fund, it is permissible. However, if he gives extra, the fund can't be used to pay the Dayan.

Maharit (Rav Yosef Tarani) says - Since the Dayan is collecting from the communal fund and not directly from the wealthy man, it is permitted. Once the money is pledged, it is no longer owned by the wealthy man, since he no longer controls what is done with it.

Our Gemara - The vow never took place, since there was a preexisting obligation for the wealthy man to donate to the fund.

Daf Digest

נִדְרָה מִשְׁתִּי כִפְרוֹת בְּאַחַת מִתְעֵנָה וּבְאַחַת אֵין מִתְעֵנָה

She swears to prohibit herself from 2 loaves, one tasty and the other not tasty.

Denying oneself food is always considered an affliction and the husband or father can cancel the vow of his wife or daughter. Are there exceptions when denying oneself food is not an considered an affliction?

-If the food is spoiled, harmful to one's health or simply not tasty, it is still considered an affliction, if the person craves it and can't eat it.

-She has other food to eat so she can't be hungry. No, if she craves this food, denying it to herself is an affliction.

-She has multiples of the same food, i.e., 2 large loaves of bread and she denies herself both. Here the husband or father can cancel the vow on one loaf (the lack of which will cause her affliction), but cannot cancel the vow on the other, since she could not have eaten it anyway. But we have learned that if part of the vow is cancelled, the entire vow is cancelled. Therefore, it depends on how the vow was made. If she vowed not to eat loaf #1 and also vowed not to eat loaf #2, cancelling one of the vows still permits the other to remain.

If she vowed not to eat these 2 loaves or vowed not to eat any bread, cancelling part cancels the entire vow.

מְטוּמָאֵת מֵת דְּלִית לָהּ

‘Tumas Mes’, does not cause her discomfort.

A wife vows to be a Nazir and therefore, must avoid wine and avoid becoming tamei. We recall a husband may cancel his wife’s vow, if it interferes with their relationship or is a hardship for her. Cancelling her abstention from wine is understood, because to abstain from wine is a hardship, but why is avoiding going to a funeral, a hardship for her?

The Gemara reminds us there is great benefit in going to funerals. King Solomon wrote (in Ecclesiastes 7:2), “The living should take it to heart”, meaning:

- We should realize that one day, we will share the same fate.
- We should realize that realize one day others will eulogize us.

There is a reciprocity in human relations.

It is a powerful incentive for a person to reflect on the life he is leading and to live so as to merit tributes that will be someday accorded to him. He should try to make good use of the life he has left to live.

וְיִכּוּלָהּ הִיא לִיהֲנוּת בְּלֶקֶט שְׂכִיחָה וּבִפְאָה

She is permitted to benefit from ‘leket shichchah and pe’ah’.

Why is a wife not considered poor? She owns nothing. Everything she owns, earns or gathers, belongs to her husband. She certainly owns of no possessions and is poor.

No, we learn if you promise to give a child tzedakah and you don’t, you are teaching the child to lie (Succah 46b). Why are you not guilty of pledging tzedakah and failing to give it. After all, the child has no ownership of any possessions. He is poor.

It is because we view a person who is supported by another, as not poor. So a child or a wife, supported at home, is not considered poor and can’t receive or take tzedakah which is intended for the poor.

מָה טַעַם אֵין יָכוֹל לְהַפִּיר שְׂיִכּוּלָּהּ לִיהֲנוֹת בְּלֶקֶט שְׂכַחַה וּפְאָה

Why can't the husband cancel the vow of his wife, when she swears not to benefit from leket, shichchah and pe'ah? (LS and P)

She is not in a financial crisis, since she can get food from her husband. What if he is poor? Any food she gets from resources available to the poor, is not hers, it belongs to her husband.

When she claims to be poor, does it include her husband?

If Yes - Then she is, indeed, in financial crisis and he should annul her vow, so she can benefit from resources for the poor.

If No - Then she is not in financial crisis, since she can eat from his resources. She is not considered poor and cannot take leket, shichchah or pe'ah, which is reserved only for the poor.

קוֹרָא שֵׁם וְאֵין צָרִיךְ לְהַפְרִישׁ

One who designates ‘maaser ani’ by name, is not required to separate it.

Uncertainty exists re:

1. Obligations to do mitzvahs that entail spending money.
 2. Obligations to fulfill monetary obligations
1. I promised to do a mitzvah, i.e., to give tzedakah and I am not sure if I gave it already. Tzedakah is a mitzvah dictated by the Torah. ‘An uncertainty about a torah mandate is dealt with stringently’, (1) and I must pay.
 2. I am obligated to pay my workman. To do so promptly is a mitzvah. The original obligation was financial and therefore, this is considered a monetary matter.

In monetary matters, ‘He who wishes to extract money from the other, must bring proof’ (2) that I owe him and did not pay him yet.

1. ‘Safek deoriseh l’chumrah’.
2. ‘Hamotzei mechavero alav hareya’.

רַבִּי אֱלִיעֶזֶר סָבַר לֹא נֶחְשָׁדוּ עַמֵּי הָאָרֶץ עַל מַעֲשֵׂר עֲנִי

Rabbi Eliezar holds that regular people are not suspect regarding maaser ani.

We have questioned her right to take LS and P since she is being supported by her husband and is therefore, not considered poor. However, those who collect LS or P do not do so because they are poor, but because the owner has declared them ownerless, and being ownerless, anyone can collect and use them.

Maaser Ani would be different. On the third and 6th year of the Shmittah cycle, this tithe is given specifically to the poor.

Shichchah is an act done in error, i.e., forgetting or overlooking produce in the field for others to gather. It is the only mitzvah that you could do by mistake, by error, and still be credited for doing a mitzvah. (But in order to do a ‘Mitzvah’, do you not need intent?)

However, you can even forget and make a mistake on purpose. If you have the intention not to return to gather it, that may be the Mitzvah.

רַבִּי אֱלִיעֶזֶר סָבַר לֹא נִחְשְׁדוּ עַמֵּי הָאָרֶץ עַל מַעֲשֵׂר עֲנִי

R Eliezar learns that we don't expect, even an Am Haaretz, a non-educated person, to fail to take Maaser Ani (i.e., to separate it from his crops, to give to the poor).

R Eliezar has confidence in them being knowledgeable to this extent.

Debate in Yeshivas:

What approach to study results in deeper knowledge and better scholarship?

1. In depth study of a few pages.
2. Overview of many pages (broad knowledge).

Educational philosophy is affected by this debate.

טוֹבַת הַנְּזָאָה אֵינָהּ מְמוּן

The benefit of gratitude is considered to be true equity.

A man made a nedar not to give his terumah to a particular Kohen or Levi. He may give it to others, but if he vowed not to give it to any particular Kohen or Levi, any of them may come and take it. Since he can't use it or give it to charity, it is 'hefker', like 'dust'. The only equity the owner had in the terumah, was the right to give it away, so we see he can lose that and it is a genuine entity.

A law school case:

There is equity in the opportunity to perform.

If I make a nedar that a piece of property, is hefker and someone takes it.

Then I go to a sage and have my vow annulled. It is annulled retroactively (ab initio). Do I get my items back?

Yes, the property automatically reverts back.

* Ram says - The vow is annulled, but if the property was acquired legally while the nedar was valid, it does not revert.

זֵכַר שְׂמַת תְּעַדִּיף עָלָיו יוֹתֵר מִן הַרְאוּי לוֹ

He should revoke the nedar, perhaps she will earn more than is due him.

How to deal with the extra wages a woman earns.

A wife declares a vow that the wages she earns is prohibited to her husband.
Should he annul this vow?

There is no need. She can make no vow regarding a prior obligation.

Rabbi Akiva -Yes, he should annul it. She owes him only the amount his support costs. Any extra that she earns, is hers.

Others say – The income is not hers if she earned it in her usual days work.

But it is hers, if earned by extra effort (more effort than normal).

A husband can only nullify, if the vow causes “anguish or discord between them.”

The extra money causes a problem between them and therefore, he should and could nullify it. It may interfere with their marital relationship.

אֵלֶּא יִאָסוּר דְּבָר שְׁלֵא בָּא לְעוֹלָם עַל חֲבִירוֹ

But is it possible for a person to prohibit something to his friend, that did not yet come into existence?

A person got angry at his barber and vowed, “My beard is prohibited to him”. He found another barber. However, when that second barber moved away, the only barber left, was the first one.

He wanted to annul his vow, but could not, since he did not regret making the vow.

He asked his Rav, who told him, “No problem. The hair that you declared prohibited to the first barber, did not exist at the time of the vow and since you cannot make a prohibition against something that does not yet exist, the vow you made never took effect regarding the current hair of your beard.”

נִדְרָה אִשְׁתּוֹ וְסָבוֹר שְׁנִדְרָה בְּתוֹ

A wife made a nedar, but he thought his daughter had made it.

A mistaken nullification has no effect.

How about a mistaken bracha?

The Ran, Rabbienu Nissim, rules-If a person wishes to bless one person and it turns out that the recipient is someone else, the bracha does not take effect. So how was Yaakov able to receive the bracha from Yitzchak, if Yitzchak thought at that time, that he was giving the bracha to Esau?

The bracha of a prophet, if given through prophecy: The prophet serves only as a conduct of God's intention. The prophet's knowledge, mistaken or otherwise, has no effect on God's intention. But, the bracha of person who is not a prophet, does require accurate knowledge. Think of planting a barley seed that you thought was wheat. Your mistaken thought will not prevent the seed from growing into a barley plant. When it comes to God's intentions, your mistake prevents nothing from occurring.

נִדְרָה אִשְׁתּוֹ וְסָבוֹר שְׁנֵדְרָה בְּתוֹ

A wife made a nedar, but he thought his daughter made it.

A nullification, that occurs in error, is not valid. Why do we need a Mishneh to tell us that? It is clear from the verse, “He must restrain her” (Numbers 30:9).

It must be the correct person. We know that an act done in error, is not honored as being valid, throughout the Torah.

It is needed, because a person may think that by nullifying the oath, it is nullified. Here, we teach him that the nullification must be directed at the correct person to be nullified. Therefore, if a wife and daughter, or two or more daughters, stand before him, and he nullifies a vow that he hears, it must be clear who made the vow and that he is nullifying that particular person’s vow.

אָמְרוּ לוֹ מֵת אָבִיו וְקָרַע וְאַחַר כֵּן נִמְצָא בְּנוֹ
 יָצָא יְדֵי קְרִיעָה

If a person was told that his father died and he tore his garment, but then learns it was actually his son. Has he already torn his garment?

Intent is important:

- If he tore for the wrong person.
- If he sat Shiva for the wrong person.
- If he said Kaddish for the wrong person.

He must do it all again, once he learns the correct information.

One tear does not count for more than 1 death.

What is the rule (God forbid!) if there is more than one death on the same date?

Does he need to tear his garments for each person's death?

וְהִילְכֶתָּא תוֹךְ כְּדֵי דְבוֹר כְּדְבוֹר דְּמֵי חוּץ מִמְגִּדָּף

The law is that a person may retract his verbal statements, if he does so within moments.

This is true, except in regards to marriage and divorce.

Generally, when a person speaks, his interest is that, he should be able to adjust or retract his words, if he catches himself within a few seconds.

However, the two areas that are exceptions to this general rule, are serious. If a man offers Kiddushin to a woman before two witnesses, Rambam says, she is ‘Mikadesh,’ ‘they are married’. It is valid and they need a get, to separate. We cannot leave a matter so important, in doubt. Even if within seconds he retracts it, it is not a valid retraction. The same in regard to divorce and the same with words spoken to an idol (B Basra 129b).

הַמְדִיר הַנָּאָה מִחֲתָנוּ

He takes a vow that his son-in-law shall not benefit.

Everything a wife owns belongs to her husband. Can there be an exceptions to this rule?

A father can give a conditional gift to his daughter, that he conveys it to her, but only on the condition that her husband will have no share in it and no control over the funds. This is permitted.

Can she keep the change? A husband gives wife a budget and she has left-over money. Is the left-over hers or his? It is his! However, if she produced the savings by her extra effort, i.e., she walked farther to do the shopping to get a lesser price. The savings, then would be hers.

Daf Digest

הַנִּייתָא דְעֵלְמָא עֲלִיָּהּ הָהוּא גְבָרָא דְאִיתְסַר אִי נָסִיב
אִיתְתָּא בִּי לֹא תִנְיָא הִילְכְתָּא

A vow to prohibit benefit from the world to me, if I marry before I learn halachah. A man was unable to learn. ‘He ran with his walking stick and purse, but was unable to learn’. This means that he travelled to find other teachers and even paid others to teach him, but he did not succeed.

Rav Acha told him:

1. The vow is not valid.
2. He should get married.

Once he got married, Rav Acha threw dirt on his clothes.

Why Rav Acha’s strange advice and behavior?

Rav Acha told him to marry. This triggered the nedar. Rav Acha then soiled his clothes by throwing dirt on him, showing him that he needed help from the world to clean his clothes. Then Rav Acha annulled the vow. The unexpected consequences of the vow, which could now be regretted, allowed Rav Acha to annul it.

Rav Acha taught, that a vow, not yet in effect, cannot be annulled. Therefore, he instructed the boy to marry, to learn that he regretted the vow, which could then be annulled.

Daf Digest

דְּבָרֵי הַכֹּהֵן אֵינָן חֲכָם מִתִּיר כָּלוּם אֶלָּא אִם בֵּין חָל נֶדָר

Every one agrees that a sage cannot annul anything (a vow), until the nedar has taken effect.

There is a dispute. What do we mean by “taken effect”?

1. Vows that are not in effect. - Are these the only ones that can be annulled?
2. Vows that are not conditional, but merely waiting for the designated time to occur, can they be annulled?
3. Vows that are subject to a condition that may never occur, can they be annulled?

1. There no question, they can be annulled.
2. Merely waiting for the time to arrive.

For example:

Case A: A person vows, “I will fast this Rosh Chodesh”. This vow cannot be annulled until Rosh Chodesh comes.

Case B: He vows, “I will fast every Rosh Chodesh” and he has done so for a number of months. This can be annulled before the next Rosh Chodesh, because Rosh Chodesh has already come several times. We are in a series of Rosh Chodesh fasting effects.

The vow can be annulled, only if and when, the condition occurs and the vow is in effect..

An example is the case of Rav Acha and the slow learner.

לֹא תִיכּוּל מִנְהוּן דְּטַעַמֵּינּוּן חוּיָא

Don't eat it, a snake has tasted it.

A man was hiding in a house. A husband came home unexpectedly and was about to eat something that a snake had tasted. The hidden man saw this and spoke out, "Don't eat it, a snake has tasted it and you will die!"

What is the status of the hidden man?

Is he an adulterer? If so, would he not have been content to have the husband die? Or would 'Only forbidden fruit or stolen waters be sweet and the bread of secrecy be pleasant?' (Proverbs 9:17)

Does an adulterer know that it is the thrill of the forbidden that entices him and therefore, he wants the husband to live? No, he does not understand his Yetzer Hara. Rava - A true adulterer would not have saved the husband's life.

,, מַיִם-גְּנוּבִים יִמְתְּקוּ

Stolen waters are sweet (Mishlei 9:17).

A Talmudic concept, to the effect that, what is forbidden becomes dangerously attractive (see Sotah 7a).

In 1885 there was a meeting of Rabbis to discuss whether to ostracize everyone who studies Darwin's theories.

It was concluded that drastic measures or punishment would only promote greater interest in these ideas and they invoked this phrase to support their argument.

* Make something forbidden and you increase its attractiveness.