

OVERVIEW of the Daf

1) Clarifying the Mishnah (cont.)

The Gemara concludes its challenge to the Mishnah that it is seemingly superfluous.

One resolution is that it is indeed superfluous but recorded nonetheless.

Ravina suggests an alternative resolution.

This resolution is rejected in favor of the first resolution.

2) Vowing by associating with something vowed

A pasuk is cited as the source that when prohibiting an item with a vow it must be associated with something vowed.

The exposition is unsuccessfully challenged.

3) "You are like my mother"

The Mishnah's ruling that one who tells his wife that she is like his mother must have his vow annulled is challenged from a Baraisa that indicates that the vow has no validity.

Abaye answers that it has no Biblical validity but Chazal mandate that his vow should be annulled.

Rava distinguishes between Torah scholars who make this vow and those who are ignorant.

A Baraisa is cited as proof to Rava's distinction.

After quoting the full text of the Baraisa the Gemara challenges the necessity of the Baraisa's final ruling.

R' Nachman suggests one explanation of the necessity of the Baraisa's final ruling.

The Gemara offers another explanation of the necessity of the Baraisa's final ruling.

A third explanation concerning the necessity of the Baraisa's last ruling is recorded.

4) **MISHNAH:** The Mishnah presents additional declarations and whether they are binding as a vow.

5) "My eyes are קונם regarding sleep today if I sleep tomorrow"

R' Yehudah in the name of Rav rules that a person who declares, "My eyes are regarding sleep today if I sleep tomorrow," should not sleep today for fear that he may sleep tomorrow.

R' Nachman disagrees and maintains that he may sleep today and there is no concern that he may sleep tomorrow.

It is noted that R' Yehudah would agree that if the person declares, "My eyes are קונם regarding sleep tomorrow if I sleep today," he is permitted to sleep today. ■

Distinctive INSIGHT

A neder or oath regarding sleep

קונם שאני ישן, שאני מדבר

In the Gemara (15a), Ravina concludes that the validity of this קונם vow must refer to an object, and it results in the object's becoming prohibited upon a person. Here, the person's statement refers to sleep, which is an intangible item. The fact that the קונם is nonetheless valid is therefore rabbinic (see 13a, "ד"ה מש שאין כן, ר"ן). Accordingly, ר"ן learns that the accurate text in the Mishnah is where the person declared a condition of prohibition upon "שאני ישן—my sleeping," and not "שאיני ישן—that I will not sleep." In other words, the case in the Mishnah is where the neder was in reference to an item (his sleeping), albeit an intangible item. However, if the person prohibits the act of sleeping upon himself, this would be a neder being stated using an expression of a שבועה. In this case, the rabbis did not recognize this neder as valid, because the reference is to an action which is intangible.

Ritva, however, explains that any neder using the expression of a שבועה is no worse than ידות. The rabbis, however, only validated a neder pronounced regarding an intangible object in a case of a genuine neder, and not in a case of יד. Therefore, the case in the Mishnah dealing with sleep cannot be where the person said, "שאיני," where he is prohibiting the act of sleeping upon himself. This case would be valid only as a יד if it dealt with a tangible item, but in reference to sleep it has no significance even מדרבנן. Therefore, Ritva explains that the correct text is "שאני," which is a direct form of neder, but it is only valid rabbinically, due to sleep being an

(Continued on page 2)

REVIEW and Remember

1. Why was Ravina's explanation of the Mishnah rejected?
2. What precedent is cited to demonstrate that a distinction could be made concerning vows, whether they are pronounced by Torah scholars or those who are ignorant in Torah?
3. How does one make a vow by referencing a Torah?
4. Explain the dispute between R' Yehudah and R' Nachman.

HALACHAH Highlight

Cutting off extra parchment from a Sefer Torah

מחתת על ארעא דעתיה אגיולי

When the Sefer Torah is on the ground his intent is on the parchment

The Shevet HaLevi¹ was asked whether it is permitted to cut some of the empty margins off a very heavy Sefer Torah to make it lighter and fit to use. Shevet Halevi begins by citing a related ruling of Maharam of Padua². He wrote that if the only way to fix a Sefer Torah is by removing some of the extra parchment it is permitted since the alternative would be to have it buried. Therefore, it is obvious that it is better to remove some of the extra parchment rather than bury the entire Sefer Torah. Similarly, writes Shevet Halevi, if there is a heavy Sefer Torah it should be permitted to remove some of the extra parchment. He then expresses some hesitation on the matter since in the case of a heavy Sefer Torah one could almost always find a person who is very strong to lift it so removing the additional parchment is not necessary to make the Sefer Torah usable. Although the Sefer Torah's weight will cause it to be used less often, that is not enough of a factor to permit cutting off some of the parchment.

The Mishnah Halachos³ was asked a similar question. There was a Sefer Torah that was very old and in different places there were tears, sometimes at the top and sometimes at the bottom of the parchment. Some people wanted to cut the parchment from

(Overview. Continued from page 1)

intangible.

Rambam (Nedarim 3:10) learns the Mishnah with the text *קונם שאיני ישן שבועה*, which is a neder in form of a שבועה. Kesef Mishnah changes the text in the Rambam throughout to *שער שאני* obviously based upon the concern of Ritva. The *המלך*, however, explains that Rambam holds like Tosafos (5b, *ד"ה וליתני*), that whether the person said *שאיני* or if he said *שאיני* both are expressions of neder. The only case which is a case of שבועה is where the person states "I will eat," or "I will not eat." ■

the top and the bottom of the Sefer Torah so that the tears could be removed and there will be a uniform height to the parchment. Mishnah Halachos answered that it is permitted and he cited our Gemara as proof to this conclusion. The Gemara rules that when one sees a Sefer Torah on the ground and declares that he is vowing by it, the vow is not valid because we assume he was referring to the parchment which is not sacred. He then expresses hesitation about this lenient approach since it is difficult to imagine that the parchment of a Sefer Torah is not sacred. Furthermore, the Gemara⁴ seems to indicate that it is sacred; therefore after a long analysis of the matter he concluded that each case must be judged separately. ■

1. שו"ת שבט הלוי ח"ה סי' ר"ל
2. שו"ת מהר"ם פדאווה סי' פ"ד
3. שו"ת משנה הלכות ח"ב סי' י"ח
4. גמ' שבת קט"ז ■

STORIES Off the Daf

The invalid vow

הא בעם הארץ

A man once had an argument with his wife. He decided to teach her a lesson and declared not only his refusal to capitulate and do as his wife wished, but he even went so far as to make a neder. In his anger, he proclaimed, "If I change my mind and wind up giving in to you, you are as forbidden to me as the three sins of *זרה*, *עבודה זרה*, and *שפיכת דמים*!"

When the man cooled down, he wondered what he had done. Would his wife really be prohibited to him and would he have to divorce her? Perhaps he should go to a chacham, express his

regret, and try and have the vow annulled?

He placed his question before the Rav of his town, but the Rav was inclined to permit the man to disregard his vow entirely regardless of what he had done since a neder cannot transform an otherwise permitted entity or activity into something of the status of that which was always prohibited by Torah law. The Rav said, "Phrasing your neder as a transformation of your relationship with your wife into something akin to murder was just impossible. If you had said that she would be like a consecrated korban from which you could have no benefit, this would take effect. A korban is also an object that needs to have its special status conferred on it through the act of consecration." Then the Rav found himself in a quandary. The Gema-

ra in Nedarim 14 states that an ignoramus who makes such an invalid vow should be forced to annul it so that he will be careful not to make any neder in the future. He asked himself, "Is this man enough of an *הארץ עם* to have to make *התרת נדרימ*?"

Fortunately, the Rav found a teshuvah in the Tashbitz, *zt"l*, that exactly paralleled his case. He read, "The Rashba already ruled that, in reference to this, virtually everyone is an ignoramus. Indeed, the status of the man in question is certainly that of an ignoramus and the invalid vow must still be nullified. For if he was a scholar who knows the halachos of nedarim, why would he have used a language that cannot possibly bind him when he wanted the vow to take effect?" ■