

OVERVIEW of the Daf

1) Annulling vows (cont.)

Additional incidents related to annulling vows are presented.

The pretext used to annul vows in each of these cases is unsuccessfully challenged.

2) **MISHNAH:** R' Eliezer ben Yaakov offers advice related to encouraging a friend to eat at one's house.

3) Clarifying R' Eliezer ben Yaakov's position

It is noted that the suggestion of R' Eliezer ben Yaakov seems to be ineffective in accomplishing its desired outcome.

R' Eliezer ben Yaakov's statement in the Mishnah is revised and includes a new teaching, namely, one who wishes that his vows should not be effective should declare at the beginning of the year that all his upcoming vows will be invalid.

4) Annulling future nedarim

The last part of the Mishnah's ruling stated that for the vow to be ineffective he must remember that he made a declaration nullifying his future vows at the beginning of the year. The Gemara asks, if he remembers that he wanted to nullify his vows and nonetheless takes the vow, should it be binding?

Abaye suggests that the halacha should read that his declaration at the beginning of the year is valid if he forgets the declaration at the time he takes the vow.

Rava offers another resolution that does not require

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Distinctive INSIGHT

Different types of releases for various vows

ומי שרי כי האי גוונא

The Gemara presents a series of incidents where vows were released due to regret on the part of the one who pronounced the vow. On our daf, the story is told of Abaye, who had a daughter from a previous marriage. When it came time for her to wed, Abaye wanted her to marry his relative, but his wife wanted Abaye's daughter to marry her relative. Abaye said, "Benefit from me will be prohibited upon you if you disobey my wishes and marry her off to your relative!" His wife disobeyed anyway, and the daughter was married to the wife's relative. Abaye went to Rav Yosef to have the oath released. Rav Yosef asked Abaye, "Would you have made the vow had you known that your wife would disobey you?" Abaye responded that he would not have made the vow, and Rav Yosef released it.

The Gemara wonders, is it permitted to make an opening for a vow in this manner? The Gemara confirms that, indeed, such an opening is valid.

What is different about this incident that prompted the Gemara to question the validity of the opening suggested by Rav Yosef, as opposed to the other examples presented of excuses allowed to release vows in this series of stories?

Tosafos Yeshanim explains that a typical example of an opening for a vow is some consideration which the speaker might not have thought about while making his original commitment. The judge can introduce this factor, and the speaker could admit that had he thought about it, he would not have made his vow. However, Rav Yosef confronted Abaye about the very vow itself. Abaye warned his wife not to disobey him, or else there would be dire consequences. Rav Yosef asked Abaye whether he would have made the vow had he thought that his wife would disobey him. Yet, his wife's compliance was precisely the nature of the vow, and it was obvious that Abaye had thought about her cooperation. This is why the Gemara wonders about its validity, and then brings a proof that such an opening is, in fact, acceptable.

נדרי זירוזין asks why this is not a case of נדרי זירוזין, a vow of motivation, which is not considered a valid vow, and is dismissed without even needing an opening. Apparently, Abaye was trying to encourage his wife's cooperation, and that was the nature of his "vow".

He answers that a motivational vow is where neither party actually meant to make an oath, as in a case of a seller and buyer who maneuver for strategic pricing positioning (20b-21a). Here, however, Abaye actually meant to challenge his wife with the oath in case she would disobey him. This is why it was binding, until Rav Yosef released it. ■

REVIEW and Remember

1. Why did a launderer hit R' Yishmael?

2. What is an effective way to refuse a friend's invitation for a meal?

3. How does a person assure that he does not take any binding vows?

4. Why did Rava oppose publicizing the previous halacha?

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לע"נ מרת רבקה בת ר' שרגא פאטעל ע"ה
By her children
Mr. and Mrs. David Friedman

HALACHAH Highlight

Kol Nidrei

והרוצה שלא יתקיימו נדריו כל השנה יעמוד בראש השנה ויאמר כל נדר שאני עתיד לידור יהא בטל

One who desires that his vows should not be binding should stand on Rosh Hashanah and declare, "All the vows that I will take in the future should be null."

Ra'avyah¹ writes that based on our Gemara the custom is for the Sh'liach Tzibbur to recite Kol Nidrei at the beginning of Yom Kippur so that the vows one will take over the course of the coming year will not be binding. He proceeds to mention that there is a dispute regarding the correct language of the declaration. Some of his teachers would declare that the vows they will make should be pre-annulled and others made the declaration annulling the vows of the past year. Ra'avyah preferred the latter custom to annul the vows of the past year. Rav Hai Gaon², however, opposed the practice of reciting any form of Kol Nidrei and claimed that he never heard about this custom from his teachers. Is it reasonable that a person should be allowed to take vows and oaths throughout the year without any thought to their ramification simply because he made a declaration on Rosh Hashanah or Yom Kippur? Rather, one should avoid the practice altogether.

Rema³ writes that although Kol Nidrei is recited on Yom Kippur, nonetheless, that declaration should not be relied upon and one should request an annulment for his vows unless there is a pressing need (לצורך גדול). Aruch Hashulchan

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changing the language of the Mishnah and clarifies when, by virtue of his declaration, the vow is invalid and when it is valid.

R' Huna bar Chinana thought to publicize this ruling of declaring future vows invalid but Rava opposed the suggestion.

5) Clarifying R' Eliezer ben Yaakov's position (cont.)

The Gemara inquires whether Rabanan disagree with R' Eliezer ben Yaakov and if they do, whom does halacha follow? ■

questions whether this ruling is applicable in our days. This declaration, according to the Gemara, is only valid if one forgets the declaration at the time the vow is made. In the time of the Gaonim and Rishonim when the practice of reciting Kol Nidrei was not widespread it was possible for a person to forget the declaration at the time a vow was made. Nowadays, however, when everyone recited Kol Nidrei with a special niggun and the entire Yom Kippur night service is called Kol Nidrei, it is unreasonable to think that people forget the declaration when they make a vow. Therefore, even in pressing circumstances one should not rely on the Kol Nidrei declaration and the only reason it is recited is that it contains many hidden concepts as is known to those who are well versed in kabbalah. ■

1. ר"ב"ה ח"ב מסכת יומא סי' תקכ"ח ד"ה ומוליקין כרים
2. תשובת הגאונים שערי תשובה סי' ל"ח
3. רמ"א יו"ד סי' רי"א סע' ב'
4. ערוה"ש שם סע' י' ■

STORIES Off the Daf

The broken vow

והרוצה שלא יקיימו נדרין כל השנה

There was a certain man who was urged by his good friend to swear to improve his behavior. Not only did he take the oath, but also he even stipulated that if he wished to annul this vow he would have to do it with the consent of his good friend.

For a while things went well. Then sticking to his oath got increasingly difficult. He would have gone to get it annulled but he knew that his good friend was intolerant of his weakness and that it would be very difficult to convince to

allow him to retract it. After matters really became unbearable, this man consulted with his Rav to find out if there might be some way around the stipulation he had made.

His Rav said that he couldn't decide such a difficult question leniently without consulting one of the foremost authorities. He needed to verify that the reasoning he employed to justify leniency was well-founded. So the Rav presented this question to the Ramban, zt"l. He said, "At first view, the vow may not be annulled without permission of his good friend, just as Moshe needed Yisro's permission. On the other hand, perhaps his having annulled his vows before Rosh Hashanah sufficed, as we find in Ne-

darim 23a?"

The Ramban responded, "First of all, Nedarim 23 has no relevance to this question since Tosafos writes that such an announcement is irrelevant if one made the vow at the behest of his friend. If there is no way of permitting this vow, his declaration will certainly not have helped. It is true that the vow between Moshe and Yisro required permission, since Moshe made the vow for Yisro to repay him for his kindnesses. In our case, however, the man who vowed wasn't vowing for the good of his friend or to repay him at all. It is proper for him to inform his good friend that the vow was annulled...so that he should not suspect him of having broken his vow!" ■

