

OVERVIEW of the Daf

1) Bar Pada's ruling (cont.)

An application of Bar Pada's ruling is related that would resolve a known inquiry of R' Hoshaya.

R' Yirmiyah rejects this suggested application.

The Gemara cites support for R' Yirmiyah's quote of R' Yochanan.

2) MISHNAH: The Mishnah presents rulings related to different declarations.

3) Clarifying the Mishnah

R' Pappa and R' Acha the son of R' Ika disagree about the last ruling of the Mishnah. One opinion maintains that it is a qualification to the Mishnah's first ruling, and the second opinion maintains that qualifies the second ruling.

The Gemara explains how each opinion will read the Mishnah.

4) MISHNAH: The Mishnah rules that one who vows not to benefit from "those who see the sun" is prohibited to benefit even from blind people.

5) Explaining the Mishnah

The Gemara explains how his language is understood to include even blind people.

6) MISHNAH: The Mishnah teaches that one who takes a vow from benefiting from "dark headed" people includes only adult males.

7) Explaining the Mishnah

The Gemara explains how his language is understood to refer specifically to adult males, even those who are bald or have white hair and not to women and children.

8) MISHNAH: The Mishnah discusses the halachos of vows when a person uses different forms of the word ילד.

9) Clarifying R' Meir's ruling

The Gemara clarifies R' Meir's position.

The assumption that the word נולדים refers to those who will be born in the future is successfully challenged.

The Gemara answers that the term נולדים could refer to children that will be born as well as to children that were already born, and the context is what determines its meaning.

10) Clarifying Chachamim's opinion

It is explained that Chachamim exclude fish and birds from the vow. ■

Distinctive INSIGHT

The two readings of the Mishnah

ומאן דמתני אסיפא מתני הכי הנודר מיושבי יבשה אסור ביורדי הים ולא באלו ההולכים מעכו ליפו, אלא אפי' במי שדרכו לפרש וכו'

The Amoraim in the Gemara argue about the final clause of the Mishnah which comes to clarify the rule of the neder of the seafarers. Rav Pappa learns that the travelers from Acco to Yaffo are not included in the statement of the **רישא**, and the Mishnah is teaching that a neder not to benefit from "יורדי הים/seafarers" only includes those who travel far into the ocean, but those who go for short shuttle trips along the coastline are land-dwellers, and are not included in the prohibition. If someone issued a neder not to benefit from sea-farers, it does not include the passengers of these short trips, and the speaker can still benefit from them as well as all **יורדי היבשה**. This reading provides us with a lenient ruling, and the neder is limited to those who go to the deep sea.

The other Amora understands that travelers from Acco to Yaffo are included as ocean-bound sailors. Therefore, if someone pronounces a neder not to benefit from land dwellers, he cannot benefit from any sea-farers, as they all eventually return to the land. However, if the neder is to not benefit from sea-farers, then all passengers of boats are included, even those who only travel on short excursions. This reading of the Mishnah results in a **חומרא**, and the neder includes the short-trip travelers in the prohibition.

ר"ן explains in the name of Rashba that even according to the second approach, the travelers from Acco to Yaffo are only categorized as sea-farers if they regularly travel along this short sea route. However, if any person takes this trip infrequently, he certainly cannot be referred to as **יורדי הים**. The rule is that the meaning of a neder follows the meaning of words and phrases as intended by most people, and people do not refer to an infrequent traveler along the short commuter route as a sea-farer.

ר"ן rules that the halacha follows the more strict reading of

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REVIEW and Remember

1. Why is the case of a woman compared to others who redeemed the trees?

2. Are sailors considered land-dwellers?

3. Who is considered "dark-headed"?

4. What does the term נולדים connote?

HALACHAH Highlight

Wearing a yarmulkah

אנשים זמנין דמיכסו רישייהו וזימנין דמגלו רישייהו... וקטנים לעולם מיגלו

Men – sometimes their heads are covered and sometimes their heads are not covered ... children always have their heads uncovered

Poskim discuss at length whether the practice for men to wear a yarmulkah is mandated by halacha or is it merely a custom. Maharatz Chayos¹ notes that our Gemara's declaration that men sometimes cover their heads and sometimes leave their heads are uncovered clearly indicates that it is not a halachic requirement. Tzemach Tzedek² cites the opinion of Tosafos³ who writes that the Gemara's statement that men sometimes do not cover their heads may only be practiced infrequently (באקראי), but as a general matter men should have their head covered. Chasam Sofer⁴, however, writes that nowadays one who does not cover his head is considered a sinner (פושע). He explains that earlier generations accepted upon themselves the practice of covering their head not merely as an act of piety or expression of fear of Heaven, but as a halachic mandate. The reason is that once non-Jews decided that it is more respectful to worship their gods without covering their heads it is incumbent upon us to behave differently, thus it is required for a Jew to cover his head. Chasam Sofer cites as proof to this approach the halacha related to erecting monuments (מצבה) that was practiced and beloved during the time of our ancestors but became despised once the idolaters incorporated it into their practice. Other Poskim are also particular about the requirement for a man to cover his head, and Mishnah Berurah⁵ even stresses the importance of the pious act of covering one's head while sleeping.

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the Mishnah. Those who travel far into the sea are still included in the category of land-dwellers, because they eventually return to the land, and ones who travel the short route from Acco to Yaffo regularly are also referred to as sea-farers.

ר"ן then refers to the Yerushalmi which deals with the following scenario. A person issued a neder that beginning in thirty days he would not benefit from יורדי הים. During that thirty-day wait, a person who was a "sailor" changed his vocation and became a land-dweller. Does the neder refer to this person, because at the time it was uttered the subject was a יורד הים, or do we evaluate the situation as of the moment the neder becomes effective, after thirty days, at which time the subject was no longer a "sailor"?

This ultimately depends upon a dispute between Rabbi Yishmael and Rabbi Akiva later (Mishnah, 89b), and we rule according to Rabbi Akiva that the neder follows the moment it is said. Consequently, we would be strict, and the retired sailors would be included in the neder. ■

Magen Avrohom⁶ notes that from our Gemara it seems that it is not the practice for children to cover their heads. Artzos Ha-chaim⁷ explains that the purpose of covering one's head is an expression of modesty, and since children by nature are not modest there is no need for them to cover their heads. Nevertheless Magen Avrohom advocates covering the hair of children since it is helpful towards instilling in them fear of Heaven. ■

1. מהר"ף חיות לסוגייתינו ד"ה אנשים
2. צמח צדק פסקי דינים או"ח סי' ב' סק"ח
3. תוס' ד"ה אנשים
4. חידושי חת"ס למס' נדרים ל'
5. מ"ב סי' ב' ס"ק י"א
6. מג"א או"ח סי' ו' סק"ב ■

STORIES Off the Daf

The controlling husband

הנותן שתי פרוטות

There was a certain man who very much feared even the possibility of divorce. He was willing to do anything to stay married, even if forced to give a גט. This man studied very hard and did a lot of research to try and find the correct way to halachically secure his marriage no matter what. After much searching, he finally found what he felt was the ultimate protection. He found a willing girl and made all the arrangements for the wedding. Prior to the chuppah, he positioned friends to serve as witnesses and as he presented his

young bride with a מנה, a coin worth very many perutos. He said to her, "You are מנה to me with one prutah of this מקודשת, and subsequently with each and every prutah in the event that I divorce you."

This man figured that this was the ultimate marriage safety technique. When there was strife in their little family, the husband informed his wife and her family of his well-laid plan and that due to his foresight divorce was not an option. The bride's outraged father told the entire story to the Rav of the town and asked him if the man's claim was true. The Rav said, "Personally, I think it is at least a doubtful marriage as the Rambam writes. I would prefer to consult with the Gadol Hador to be absolutely certain."

He presented this question to the Rashbah who was even more stringent than the Rambam. "Unfortunately, she cannot be divorced until she receives enough divorces to cover every prutah in the מנה. In Nedarim 30a we find that Rav Padah has a similar question where a man gave his wife two perutos and specified that with one they marry now. The second was to ensure their marriage in the event of divorce.

The Rashbah continued, "Although in Nedarim this remains unanswered, I hold this takes effect since it is similar to the decision regarding הקדוש that emerges from Rav Illah's question in Kesuvos 59a."

The practical lesson from this story is: Always read the fine print! ■