

This month's Daf Digest is dedicated In loving memory of
שרגא פיינול דוד בן קמואל
The Abramowitz family

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah presents two disputes related to what constitutes a valid opening to annul a vow. The first dispute relates to whether the honor of one's parents constitutes an opening and the second relates to whether a new development is a valid opening.

2) Clarifying the Mishnah

Abaye explains what Chachamim meant when they said to R' Tzadok that if a vow could be annulled for Hashem's honor אין נדריים – there will be no more vows.

Rava offers an alternative explanation of this statement of Chachamim.

Our Mishnah is cited as proof to Abaye's explanation. This proof is refuted.

3) Clarifying R' Eliezer's position

R' Chisda suggests a source for R' Eliezer's position to open a vow based on a new development.

The Gemara explains how Rabanan will interpret the pasuk used by R' Eliezer differently.

4) The equivalent of death

R' Yehoshua ben Levi teaches that a person without children is considered as dead.

A Baraisa is cited that enumerates four categories of people who are considered dead and a verse is cited to support the inclusion of each category. ■

REVIEW and Remember

1. How does one become released from a vow based on the honor of his parents?

2. Explain פותחין בנולד.

3. What led the Gemara to think that our Mishnah supported Abaye's explanation of the Mishnah?

4. What four categories of people are considered dead?

Distinctive INSIGHT

The severity of making a vow

אמר רבי צדוק עד שפותחין לו הכבוד אביו ואמו יפתחו לו בכבוד המקום

The Rishonim explain what Rebbe Zadok means when he says that an opening for this neder could be found using "the honor of Hashem". We would ask the person, "Do you realize that the Torah says (Devarim 23:23), 'If you refrain from vowing, there will be no sin upon you.' Therefore, as Rav Zevid states later (77b), by making a neder, even if you fulfill your word, you would be categorized as a 'sinner.'" This approach would almost certainly discourage anyone who hears it, and, according to the understanding of ר"ן, the Rabbis responded to Rabbi Zadok and claimed that if this was a valid opening to cancel a neder, no vow would withstand it.

Ritva notes that as threatening as these words regarding making vows may be, the Gemara earlier (22a) lists many more frightening aspects of pronouncing vows, even for those who fulfill their words. Nevertheless, the warnings on 22a are all rooted in or associated with verses from the Prophets, while our Mishnah refers specifically to the comment of Rav Zevid, which is based upon the verse in Devarim, as cited above.

The explanation of Ritva shows us that the lesson from the verse in Devarim regarding vows is a genuine Torah law, and we learn from this verse that one who makes a vow is a sinner. On 22a, Shmuel cites this verse, and he associates it with a verse in Iyov (3:17) using a תחדל-גזירה שוה of גזירה שוה to teach that one who makes a vow is called a רשע—a wicked person. ר"ן explains that the fact the person is hereby called wicked teaches us that pronouncing a vow is a sin. This is unlike the opinion of Ritva in our Gemara, as Ritva understood that the sinful nature of making a vow can be determined from the verse in Devarim itself, and that we do not need the גזירה שוה to arrive at this information. The מפרש there on 22a explains the words of Shmuel in the manner understood by Ritva, that the sinful nature of making a vow can be learned from the verse in Devarim, and that Shmuel is adding that with the גזירה שוה we also see that the person is called a רשע.

According to Ritva here, and the מפרש on 22a, there is

HALACHAH Highlight

A father who prohibits his son from immersing in a cold mikveh

ר' אליעזר אומר פותחין לאדם בכבוד אביו ואמו וחכמים אוסרין
R' Eliezer says that we can open a vow out of concern for the honor of his father and mother and Chachamim prohibit it

There was once a father who invoked the mitzvah of Kibbud Av V'em and instructed his son to not immerse in anything other than a warm mikveh. This restriction would prevent the son from his practice of immersing before davening and further prevent him from being cautious regarding Tevilas Ezra. The child inquired of the Arugas Habosem¹ whether he is obligated to listen to his father in this case or perhaps since this matter does not relate specifically to the honor of the father it is outside of the parameters of the mitzvah and the father cannot put these restrictions onto his son. Furthermore, even if we were to accept that it falls within the parameters of Kibbud Av V'em one could argue that the son should not be obligated to comply since the father is not allowed to restrict his son from doing a mitzvah, even a Rabbinic mitzvah².

One of the issues addressed by the Arugas Habosem is that once the child adopted the practice to immerse before davening his behavior should constitute a vow and accordingly it should be prohibited for the father to instruct his son to violate his vow without first being released from that vow.

(Insight. Continued from page 1)

no dispute between Rav Zevid and Shmuel. Rav Zevid taught that making a vow is a sin, and Shmuel taught that the person who makes the vow is categorized as a רשע. Each taught a different lesson, and they do not dispute each other's words. ■

The difficulty with having the son released from the vow is that a release requires regret on the part of the vower and in this case the son does not regret the vow. His only interest in having the vow released is to honor his father. Therefore, one could ask whether this type of regret ("Had I realized that my father would decree that I should not continue this practice I would have accepted the practice by stating, 'blineder.'") is valid grounds to release the son from his vow. Even though our Mishnah states that we do not open a vow out of concern for the honor of one's parents, nonetheless, Taz³ explains that the Mishnah's limitation applies only when someone else is seeking to find an opening for the vower. If, however, the vower himself expresses regret he can be released from his vow out of concern for the honor of his father. At the end of his analysis he recommends that the son should speak to his father and assure him that no harm will result from his immersions so that the father will retract his request for the son to cease this practice. ■

1. שו"ת ערוגת הבושם או"ח סי' י"ט
2. שו"ת יו"ד סי' ר"מ סע' ט"ז
3. ט"ז יו"ד סי' רכ"א ס"ק י"ד ■

STORIES Off the Daf

A gift of gratitude

ארבע חשובין כמת

A certain wealthy couple waited for children for many years. When they finally had a child, their joy was understandably very great. To show their gratitude to Hashem, they decided to donate an enormous sum of money to enable an Israeli hospital to build a new wing. But they weren't sure what ailment to help treat; they definitely wanted to relieve people of the kinds of feelings of distress that they had suffered all those years without a child.

In Nedarim 64, Chazal say that there are four groups of people whose

impairments render them comparable to being dead: the poor, those struck with tzora'as, the blind, and the childless. Since they had already decided that they wanted to fund a new hospital wing, it seemed as though there were two options open to them. Should they sponsor an eye department or a fertility department?

They decided to consult Rav Yitzchak Zilberstein, shlit"a. Since he was unsure which took precedence, he conferred with his brother-in-law, Rav Chaim Kanievsky, zt"l.

Rav Kanievsky replied, "In Pesachim 39a, the Mishnah lists various species with which one can discharge the obligation to eat marror on Pesach. The Shulchan Aruch writes that the species are listed in order of im-

portance. The first is the best species to use. The second in the list is of secondary preference, and so on. The same is true in our case. Since the blind are mentioned first in the list in Nedarim, they take precedence. It would therefore be better that the couple donate the money to heal the blind."

"But Chazal in the Midrash listed a metzora before a poor person," Rav Zilberstein objected. "Doesn't that imply that this list should not be viewed like the list in Pesachim?"

"That is irrelevant," Rav Kanievsky answered. "The only question is if a metzora is first or a poor person is first. But in both lists, blindness proceeds childlessness. So clearly it takes precedence!" ■

