

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

OVERVIEW of the Daf

1) The proper method of revoking or annulling a vow (cont.)

After the Gemara finishes citing one Baraisa related to the correct language needed to revoke or annul a vow another related Baraisa is cited.

R' Acha bar Yaakov elaborates on the Baraisa's mention that the parsha of vows was given the entire nation to teach that even three laymen may annul vows.

This conclusion is unsuccessfully challenged.

The significance of mentioning the heads of tribes in connection with slaughtering animals outside of the Beis Hamikdash is explained by R' Sheishes.

The Gemara seeks clarification of this matter from Beis Shammai's perspective.

The source for the ruling that three laymen may annul a vow according to Beis Shammai is identified.

This source is unsuccessfully challenged.

2) Silence intended to cause distress

R' Chanina rules that if a husband remains silent in order to distress his wife it is not a confirmation and he can revoke her vow even ten days later.

Rava unsuccessfully challenges this ruling.

R' Chisda presents another challenge to this ruling of R' Chanina. ■

REVIEW and Remember

1. What are the different lessons derived from the words זה הדבר?
2. What are the different sources that teach that three laymen may annul vows?
3. What is derived from the words ראשי המטות.
4. Under what conditions may a husband revoke his wife's vow many days after he heard the vow?

Today's Daf Digest is dedicated in loving memory of
our father, grandfather and great grandfather
ר' מאיר זלמן בן ר' שלמה, ע"ה

Distinctive INSIGHT

The authority of the court to decide the matter of the new month

צועדי ה' צריכין מומחה ואין פרשת נדריים צריכין מומחה

The precise nature of the court which may decide the onset of the new month is a matter of dispute between the Rishonim. Rambam (Hilchos Kiddush Hachodesh 5:1-2, and Sefer Hamitzvos #153) rules that when the Sanhedrin is seated in its chambers in the Lishkas Hagazis, this matter is delegated to them, and only they or a committee of three qualified judges which they appoint may decide this matter. If the Sanhedrin is not in session in its location in Eretz Yisroel, the month may be set by astronomical calculations, and it is formally established as the community in Eretz Yisroel adopts this custom.

Parenthetically, he adds that if there would ever be a time when no Jews were living in Eretz Yisroel, there would be no arrangement of Rosh Chodesh, and the festivals would not occur. However, this theoretical situation is absolutely impossible to transpire, as Hashem has already promised that there never will a condition where Jews are absent from our holy land. Therefore, we are guaranteed that the community in Eretz Yisroel will always set the tone of adopting the calendar calculations.

Ramban (in his comments to the Sefer Hamitzvos, ibid.) disagrees and contends that the matter of fixing the new month can be done by any competent panel of three judges, and that there is no need for Sanhedrin to deal with this matter directly. The truth of the matter was that during the period the Sanhedrin did convene, they did decide this matter, as every other court deferred to their authority. Nevertheless, the halacha was that any panel of three qualified judges could decide this matter, as long as they were ordained by the authority of other judges in line from Moshe Rabeinu.

Rebbe Hillel the Nasi, the son of Rebbe Yehuda the Nasi saw that the institution of semicha would soon no longer be viable, and the arrangements of the months and the declaration of Rosh Chodesh would be lost, he established a calendar system to determine the day of Rosh Chodesh. In effect, he sanctified the months from then

(Continued on page 2)

HALACHAH Highlight

The annulment of an individual expert

אמר ר' חסדא ואיתימא ר' יוחנן ביחיד מומחה

R' Chisda, and some say R' Yochanan, explain that it refers to an individual expert

Tur¹ cites the opinion of his father, the Rosh, who rules that nowadays we do not have experts who have the authority to annul vows by themselves and vows must be annulled by a group of three judges. Beis Yosef² explains that according to those who explain that individual experts (יחיד מומחה) refer to those with semicha that is traced back to Moshe Rabbeinu it is obvious that we do not have scholars who meet that qualification who would be qualified to annul vows by themselves. Even those who do not require experts to possess semicha to be categorized as experts who can annul vows, nevertheless, nowadays there are not experts considered capable of annulling vows by themselves. The reason is that since R' Nachman declared that a scholar must be someone who has learned and can contemplate matters of Torah (גמירנא וסבירנא), similar to himself, who can step forward and declare himself to be a scholar comparable to R' Nachman?

Shach and Taz³ write that even if an individual expert were to annul a vow by himself it would not be considered annulled even בדיעבד.

Ran and Rambam⁴ disagree and maintain that someone

(Insight. Continued from page 1)

and beyond, until Eliyahu will come and herald the arrival of Moshiach.

Ramban contends that his opinion is correct based upon our Gemara which compares the law of sanctifying the month and the release of vows in that both need expert judges (referring to the release of vows when it is done by a single judge, who must be an expert). ■

who is recognized as an expert in his generation has the authority to annul vows even nowadays. Accordingly, Aruch Hashulchan⁵ questions the position taken by those authorities who maintain that even בדיעבד a renowned expert cannot annul a vow since there are authorities who maintain that we do have renowned experts even in our days. Furthermore, it seems that the Rishonim who write that we do not have experts qualified to annul vows by themselves intended to express a stringency (חומרא) rather than issue an absolute binding ruling. Therefore, it is difficult to accept that the annulment performed by an individual renowned expert should not be effective. Similarly, Sefer Shulchan Gav'ah expresses astonishment that Shulchan Aruch followed the ruling of Rosh cited by Tur and did not even mention the dissenting opinion of Rambam. ■

1. טור יו"ד סי' רכ"ח
2. ב"י שם
3. ש"ך סק"ד וט"ז סק"ג
4. ר"ן נדרימ ע"ה ובדעת הרמב"ם ע' ב"י שם
5. ערוה"ש שם סע' ג' ■

STORIES Off the Daf

Neglected duty

שיש שאלה להקדש

There was once a man who encountered hard times. He had been struck down financially and he didn't know what to do. One day, while thinking of Yaakov Avinu, he had a sudden inspiration. Why not vow to give away a significant portion of his income if things turned around? After all, how could this hurt? The man vowed to give twenty percent of his income to tzedakah if Hashem helped him out of his financial straits.

Miraculously, in a relatively short

time, his business dealings started to pick up. It was as if he suddenly was graced with the golden touch. He became a respected member of the community and all seemed well. He forgot about the vow he had made in his distress, however, and he did not fulfill it at all. Maybe he gave two percent of his income to tzedakah. That was it.

After a long period of success, he remembered his vow. Although things were beginning to go bad again, he started to fulfill his obligations. Business got worse and worse however, so he consulted with his Rav if he could annul the vow. The first reason he wished to annul was that he broke it for so long. The second more pressing reason was that giving so much of his

now meager income was making things very tight indeed. Even without giving tzedakah at all, he couldn't really make ends meet.

His Rav wasn't sure, so he consulted with the Tashbatz, zt"l.

The Tashbatz discussed this at great length and concluded, "The Halacha is that one may annul hekdesch as we find in Nedarim 78. Pledging to give matanos for poor people is presumably not more stringent than pledging to give to hekdesch. So he may annul.

The Tashbatz concluded, "Ask him if he had known that because of forgetfulness he would fail to fulfill his neder, would he have vowed? If his answer is no, you may annul his vow!" ■