



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

OVERVIEW of the Daf

1) Bathing (cont.)

The Gemara explains that R' Yosi maintains that not laundering involves affliction but not bathing does not involve affliction.

A related teaching is cited.

2) Torah scholars

The previous teaching mentioned that Torah scholars will emerge from the sons of the poor.

The Gemara asks why Torah scholars do not have children who are Torah scholars.

Five answers to this question are presented.

3) Bathing (cont.)

An incident related to the importance of laundering one's clothing is presented.

4) Clarifying R' Yosi's position

The Gemara inquires whether, according to R' Yosi, a husband can revoke vows that relate to their relationship.

An attempt to resolve this inquiry from our Mishnah is presented.

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REVIEW and Remember

1. Why don't Torah scholars have sons who are Torah scholars?
2. What caused Isi ben Yehudah to stop coming to the Bei Midrash?
3. What is the difference between vows that affliction and vows that do not involve affliction?
4. Is one allowed to permit an activity for people who are strict?

Today's Daf Digest is dedicated
By Mr. and Mrs. David Binter
In loving memory of their father
ר' משה בן ר' זלמן טובי, ע"ה

Distinctive INSIGHT

When should we not correct the strict behavior of others?

דברים המותרים ואחרים נהגו בהן איסור אי אתה רשאי לנהוג בהם
היתר כדי לבטלן משום שנאמר לא יחל דבר

The Gemara cited a Baraisa in which support for the opinion of Rav Adda bar Ahava, that according to Rabbi Yose the wife's applying makeup is considered a matter between the husband and the wife, and that the husband can therefore nullify an oath made in this regard. We find in the Baraisa, among other details, an opinion of Rabban Gamliel, who says that the verse in Bamidbar (30:3) of "He shall not desecrate his word" applies to cases other than formal oaths. The case was where a woman pronounced a neder which was clearly invalid, such as where she states that she will not perform any of the vital tasks which a woman must perform for her husband (Kesuvos 59b). The Halacha is that this neder has no validity, because she is obligated to fulfill her role as a wife. Yet, Rabban Gamliel says that the husband should revoke the neder, based upon this verse. Therefore, as ר"ן explains, just as Rabban Gamliel understands that this verse is applied to "words" alone, even those which do not constitute a valid neder, so too would Rabban Gamliel apply this verse to cases where a person did not even utter words, but he simply conducted himself in accordance with certain stringencies. רש"י notes that Rabban Gamliel is apparently interpreting the word **דבר** in the verse **לא יחל דבר** to mean "a manner or path of conduct," as it is found in Tehillim 47:4 ("He shall lead nations under us"). Rashi in Tehillim translates **דבר** to mean "to guide or lead". Thus, the verse in Bamidbar instructs us not to change or discourage the way others conduct themselves, even if they do not accept this conduct upon themselves with a formal neder.

The Rishonim explain that the opinion of Rabban Gamliel to require nullification for an adopted restricted practice is rabbinic (see Rosh, here **דברים המותרים**, and earlier, Gemara 15a). Tosafos (Pesachim 51a, **אתה אי אתה**) presents a question based upon a Gemara in Chullin 7b. We find that Rebbe ruled for the people of Beis She'an to allow them to eat their produce without designating tithes from them. This was based upon testimony presented to Rebbe informing him that Rabbi Meir had allowed this. Tosafos asks that even if the testimony about Rabbe Meir was accurate, Rebbe should not release these people from their accepted custom. Tosafos answers that this rule applies only when the people realize that the Halacha permits this action, and they choose to be strict. In this case, we should not discourage their conduct. However, if the person is mistaken and thinks that the halacha forbids this action, and we know that it is permitted, then we should certainly inform him of his error. ■

HALACHAH Highlight

Does adopting a behavior constitute a vow?

משום שנאמר לא יחל דברו

Because it says, "He shall not desecrate his words."

All opinions agree that if a person follows a certain halachic practice with the intention to continue that practice he has adopted a vow and he is not permitted to cease that practice¹. Poskim disagree, however, about a person who followed a certain practice three times without giving thought to whether he would continue this practice or not. According to some opinions,² once one follows a certain behavior three times he is bound by the force of a vow to continue that practice. According to other authorities,³ if he did not intend to adopt the practice as a custom he is not obligated to continue the practice. Shulchan Aruch⁴ writes that one who is accustomed (שרגיל) to fast before Rosh Hashanah requires three people to release him from his vow if he wants to eat. If at the time he initiated this practice he intended to adopt it permanently and kept the practice even once he must be formally released from this custom. Some authorities⁵ understand that Shulchan Aruch is describing two different ways of adopting a binding custom. If one intends at the outset to adopt this practice he is bound to continue as long as he practiced it once. If he did not have intention when he first began the practice it is binding only if he follows the practice three times. Other authorities⁶ maintain that there is no distinction to draw between following a practice once or three times, rather, everything depends on whether the person had in mind to adopt the practice permanently.

A related point that requires clarification is the source for

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This attempt is rejected.

R' Ada bar Ahavah asserts that the husband can revoke vows that relate to their relationship whereas R' Huna says that he cannot.

A Baraisa is cited that supports R' Ada bar Ahavah's position.

According to the Gemara the case in the Baraisa is of a vow related to cohabitation.

A Baraisa is cited that the Gemara explains follows the opinion of R' Gamliel cited in an earlier Baraisa.

5) Clarifying the position of Rabanan

Rava asked R' Nachman whether a vow related to cohabitation is considered a vow of affliction according to Rabanan. ■

those opinions that maintain that once a person practices something three times it is considered like a vow. Rishonim and even Shulchan Aruch only discuss one who is accustomed (שרגיל) to practice something but they do not mention anything related to the number three. Some authorities⁷ even cite sources that indicate that practicing something two times could already be considered רגיל. Many authorities, however, assume that it takes three times for a person to become accustomed to a particular behavior. Netziv⁸, amongst others, cites the comments of Ran from our Gemara as proof that practicing something three times makes it into a custom. ■

1. ספר כל נדרי פרק ע"ב סע' ב'
2. ע"ש הע' ו'
3. ע"ש הע' ז'
4. שו"ע יו"ד סי' רי"ד סע' א'
5. ע' ספר כל נדרי הנ"ל הע' ו' ■

STORIES Off the Daf

The Yichus of Poverty

הזהרו בבני עניים שמהן תצא תורה

On today's daf we find that we should be careful to teach the children of the poor since Torah greatness will more likely come from them.

A certain wealthy man with an eligible daughter had two promising possible shidduchim. Both were great scholars with sterling middos. The only essential difference was their yichus. One came from a very famous line of scholars and

gedolim while the other was from simple stock. The wealthy man was at a loss whom to choose. After much deliberation the only thing that emerged was that he needed help! Since the man lived in a town close to Kovno he decided to put his dilemma before the famous Rav Yitzchak Elchonon Specter, zt"l.

After describing the entire situation the wealthy man concluded, "I am leaning towards the young man with the yichus but they insist on an exorbitant dowry..."

The Gadol said, "If you want to hear what I have to say, take the one without the yichus. The yachsan is the child of a

house filled with Torah; it's no wonder that he grew to such an extent in Torah. His parents have been molding him for greatness from birth. He never achieved his scholarship on his own steam. After marriage he will be separated from his parents and be confronted with the need to earn a living. Who knows if he will continue to ascend spiritually? The young man who comes from a poor and simple 'balebatishe' family and has nevertheless achieved so much demonstrates that he has strong character. Such a young man will surely continue to ascend until he becomes a gadol b'Yisrael!" ■

