



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

OVERVIEW of the Daf

1) Clarifying the position of Rabanan (cont.)

R' Nachman cites a later Mishnah that seemingly indicates that cohabitation is an example of a vow that relates to their relationship, even according to Rabanan.

This proof is rejected because that Mishnah follows R' Yosi and the question at hand relates to the position of Rabanan.

Proof is cited that the Mishnayos of this chapter follow R' Yosi.

2) Prohibiting pleasure

Shmuel in the name of Levi rules that when a wife prohibits pleasure from so-and-so her husband can revoke her vow.

The Gemara unsuccessfully challenges this ruling.

Another challenge to this ruling is presented and accepted which forces Shmuel to reject the challenge because the Mishnah cited represents the opinion of R' Yosi.

3) Revoking vows that do not involve affliction

R' Yehudah in the name of Shmuel rules that if a woman vows to prohibit two loaves, one that involves affliction and the other does not, since the husband can revoke the vow that involves affliction he can also revoke the vow that does not involve affliction.

R' Assi in the name of R' Yochanan disagrees and rules that he can only revoke the vow that involves affliction.

According to a second version R' Assi asked R' Yochanan this question and he responded that the husband may only revoke the vow that involves affliction.

R' Assi begins to challenge R' Yochanan's ruling from a Mishnah in Nazir. ■

REVIEW and Remember

1. How does R' Huna know that the Mishnayos of this perek represent R' Yosi's opinion?

2. What vow is a husband not able to revoke?

3. Does the phrase **יכול להפר** always mean that he has no power to revoke the vow?

4. What is the dispute between Shmuel and R' Yochanan?

Distinctive INSIGHT

When is abstaining from food not an affliction?

אמר רבי יהודה אמר שמואל נדרה משתי ככרות באחת מתענה ובאחת אין מתענה

The rule is that a husband may nullify a vow of his wife if it concerns either personal affliction (**עינוי נפש**) or matters which affect the relationship between the husband and wife (**דברים בינו לביתה**). Rav Yehuda in the name of Shmuel presents a case about a woman who pronounces an oath to abstain from two loaves of bread. One of them is a loaf which she likes to eat, and the other is a loaf which she does not enjoy. ר"ן explains that the second one is a dry, tasteless loaf, and abstaining from it is not an affliction. The husband may nullify the vow for the first loaf, which the woman wishes to eat, but not for the second loaf, which does not represent a condition of affliction if she abstains from it. Rosh explains that the case is where both loaves are tasty, but these are the only loaves she has to eat for today. By the next day, she will have many more loaves from which to choose. Therefore, for today, she needs to eat one of the loaves, and abstaining from it will be an affliction, as she will thereby remain hungry. The other loaf about which she spoke in her vow which will be for the next day is superfluous, as she will have other food to eat instead, and she does not need to eat the second loaf. According to Rosh, by definition, whenever a person has other food to eat, a vow made about other specific foods is not considered a vow of **עינוי נפש**, and the husband cannot nullify such a vow. However, רבי אברהם מן ההר explains that if one loaf is her favorite, or it is more tasty, and she issues a vow not to eat it, even if there are other loaves, but they are not as tasty, the vow is considered **עינוי נפש**.

According to the Gemara, there are situations where a vow to abstain from food is not in the category of **נפש**. Nimukei Yosef asks how this can be so, when the Tosefta teaches that even when the woman vows not to eat a par-

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By the Mauer family
In loving memory of their mother Mrs. Sonia Mauer ע"ה
מרת שפרה בת ר' משה אהרן הלוי, ע"ה

HALACHAH Highlight

Is it permitted to take money from communal funds if one is prohibited to benefit from a member of the community?

יפר חלקו ומשמשתו

He should revoke her vow and she may cohabit with him

There was once a dayan who was supported by a community account that was funded by charitable donations and payment for various mitzvos made by the members of the community. One day one of the wealthy members of the community spoke harshly against the dayan. The dayan was offended by the wealthy person's remark and took a vow never to derive benefit from that person. This raised the question of whether the dayan is permitted to continue to take his salary from the community fund if it is at least partially funded by this wealthy individual.

The question was presented to the Maharit¹ who began by citing the opinion of Tashbatz who maintained that as long as the wealthy person only makes his obligatory donation to the communal fund it is permitted for the dayan to continue to collect his salary, but if the wealthy person was to donate extra it would be prohibited for the dayan to take his salary from the communal fund. Maharit disagreed and wrote that since the dayan is collecting from the communal fund and not directly from the wealthy person there are no restrictions. The reason is that once the wealthy person fulfills his pledge, whether the obligatory amount or the volun-

(Insight. Continued from page 1)

ticular food which she never tasted in her life, or even if she declares that she will abstain from a food that is damaging, this is a vow of affliction, and the husband can nullify it.

Nimukei Yosef answers that the Tosefta is dealing with a case where the woman desires to eat the food which she has prohibited from herself. In this case, even if the food is detrimental to her health, since she wants to eat it we understand that her oath includes this food. In this case, we do not use general definitions to interpret her words, but we follow her intentions, and abstaining from that food would be a form of affliction. ■

tary amount, it is no longer his money and the dayan is thus permitted to benefit from that money. This idea that once the pledge is made it is no longer the donor's money is evident by the fact that he no longer controls what is done with the money.

After citing additional reasons to be lenient in this case Maharit cites our Gemara to demonstrate that the vow never really took effect. Our Gemara teaches that a vow does not take effect when there is a pre-existing obligation similar to a borrower who cannot declare his property prohibited to his lender to avoid repaying his loan. Similarly, since the wealthy person has an obligation to make his regular donations to the communal funds the vow is not going to exempt him from that obligation. ■

1. שו"ת מהרי"ט ח"א סי' ה' ■

STORIES Off the Daf

Emergency measures

מפר למתענה ואין מפר לשאין מתענה

There was a certain woman who was very distressed by her rapid weight gain. After paying careful attention to her eating habits, she concluded that her intake of certain fattening food between meals was the culprit. She felt forced to take drastic measures to stop her weight from skyrocketing any further. But no matter how much she tried, she couldn't resist the allure of the goodies in her house. Finally, after

a long struggle, she had enough. She decided to make a neder not to eat sweets between meals.

After several days, she told her husband what she had done. The husband, a talmid chacham, immediately annulled her vow. After a moment he suddenly was struck with doubt. Perhaps a vow not to eat sweets between meals is not inui nefesh and cannot be annulled by a husband?

He decided to present Rav Yosef Shalom Elyashiv with his query.

Rav Elyashiv replied, "In Nedarim 82 we find that if a woman vowed not to eat two loaves, one of which she longs to eat and the second of which

she has no desire to eat, her husband may only annul regarding the one she longs for. The Ran explains that she only longs for one since only one is finely sifted flour. The second bread is less tasty so she isn't interested in it. This is the psak of Shulchan Aruch as well. In any event, she didn't prohibit sweets except between meals. Who said that she experiences pain because of her neder? Especially since sweets are damaging to her health! If she has no pain, her husband may not annul.

Rav Elyashiv concluded, "Unless she is clearly pained by refraining from sweets between meals, she must annul in the ordinary manner, before three!" ■