



OVERVIEW of the Daf

1) The meaning of the word שאוכל (cont.)

Abaye further elaborates on his assertion that the meaning of the word שאוכל depends upon the context in which it appears.

R' Ashi offers an alternative explanation of the Mishnah that avoids the possible contradiction regarding the meaning of the term שאוכל.

2) The meaning of different declarations

A Beraisa explains the meaning of different declarations.

Abaye resolves what appears to be a contradiction in the Beraisa.

Abaye's explanation is challenged forcing Abaye to revise his explanation.

Rava offers an alternative explanation of the Beraisa.

The Gemara connects the disagreement between Abaye and Rava with their disagreement concerning one who attaches to an oath (מתפיס בשבועה).

Rava's position that one who attaches to an oath is not liable for violating it is unsuccessfully challenged from a Beraisa.

A point in the Beraisa is clarified.

It is noted that R' Yochanan agrees with Rava's position that a declaration introduced with the word איסר will constitute an oath.

3) False and vain oaths

R' Dimi in the name of R' Yochanan defines false and vain oaths and identifies their respective sources.

A challenge to this explanation is presented.

The strength of this challenge is debated in the Gemara. ■

REVIEW and Remember

1. What does the term מבטא introduce?

2. What is the point of dispute between Abaye and Rava?

3. Is there a difference between an oath of שקר and an oath of שוא?

4. How do we know that women are Biblically obligated to make kiddush on Shabbos?

Distinctive INSIGHT

An oath, a vow, and an attachment

רבא אמר לעולם אימא לך מיתפיס בשבועה לאו כמוציא שבועה מפיו דמי

An oath—שבועה—is a personal commitment a person accepts upon himself regarding how he will behave. For example, a person might say, “I will eat this loaf.” A vow—נדר—is where a person makes an objective statement about an object. For example, a person might say, “This loaf is prohibited to me just as a קרבן is prohibited to me.” In this case, the loaf becomes prohibited to be eaten because it now has a status just like an offering.

The Beraisa presents several examples of expressions a person might use in prohibiting something to himself. For example, a person might say that a certain loaf is prohibited to him with a שבועה, an oath. Or, a person might say that a certain loaf is prohibited to him, and later speak about a second loaf and declare that the second loaf is prohibited to him “just like the first loaf.” This expression is called התפסה, where the second loaf is “attached to” an oath. The Beraisa speaks about a case of איסור in a phrase which is unclear, and both Abaye and Rava offer explanations to decipher the intention of the Beraisa.

Abaye explains that the verse in Bamidbar 30:7 speaks about a woman who gets married, and she had earlier made an oath using the expression “מבטא — an utterance.” We see that this expression connotes an oath. However, we do not find the expression “איסר—prohibition” used as an oath, so this expression remains as “an attachment—התפסה.”

Rava explains that using the expression of התפסה is not an oath, and accordingly, the Tanna of the Beraisa does not consider this to be an expression which prohibits something. Rather, the Tanna of the Beraisa holds that the expression of מבטא and איסר are both oaths. However, the expression of איסר prohibits something differently depending on how it is used. It could be a נדר if the person said, “This item is an איסר upon me,” as this is a form of prohibiting an item upon himself. If, however, the person said, “I accept upon myself an איסר not to eat this item,” the intent is understood to be an oath.

Although it is clear that Rava disagrees with Abaye regarding התפסה and that it is not an expression of an oath, there are varying opinions in the Rishonim regarding what Rava does hold. Ri”f and Ramban explain that the expres-

HALACHAH Highlight

Fasting on the yahrtzeit of a parent

שלא אוכל בשר ושלא אשתה יין כיום שמת בו אביו

I will not eat meat or drink wine like the day my father died

Terumas Hadeshen¹ raises the question of when is it appropriate for one to observe the loss of a relative; on the day of death or the day of burial. He notes that there is a disagreement amongst authorities on the matter and his opinion is that it should be observed on the day of death. As proof to his position he cites our Gemara which teaches that if a person takes an oath that he will not eat meat like the day of his father's death, the oath takes effect. This implies that it was a common practice for people to fast on the day of their parent's death.

Poskim also disagree about the reason to fast on the day a parent died or was buried. Terumas Hadeshen indicates that the uncertainty relates to which day is a stronger reminder of one's sadness and pain. Bach² cites authorities who have a different understanding of the custom. They write that fasting is a means of repenting and seeking atonement to save one's self from the inauspicious time in which a relative died. Being that one's mazal was negatively effected by this incident it is appropriate for one to fast. Another explanation was suggested by Mahari Mintz³. He suggests that the basis of the practice is to secure forgiveness for the deceased relative similar to the requirement for a child to say during the year following a parent's death – **הריני כפרת**

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sion of התפסה has no validity at all in terms of being an oath. Ra'aved explains that התפסה does have validity as an oath only to the extent that the person who made this התפסה would be liable for the law of "לא יחל דברו"—He shall not profane his words," but there would not be any obligation to bring a קרבן if the statement is violated.

Rambam (Hilchos Shvuos 2:9) writes that התפסה results in a prohibition, but the speaker is exempt from lashes or having to bring an offering if he violates his word. ■

משכבו – I am an atonement for his death. According to this explanation it would follow that one would fast on the day of the parent's death rather than his or her burial.

Shulchan Aruch⁴ rules that the correct day to fast is the day of death rather than the day of burial. Rema⁵ also cites this as the primary practice but also mentions that if one was not present at the death but was present at the burial he should fast on the day of burial. Later authorities disagree with this qualification of Rema and Mishnah Berurah⁶, for example, does not even record this opinion in his discussion of the halacha. ■

1. שו"ת תרומת הדשן סי' רצ"ג.
2. בי"ח יו"ד סוף סי' ת"ב.
3. שו"ת מהר"י מינץ סי' ט'.
4. שו"ע או"ח סי' תקס"ח סעי' ח'.
5. רמ"א יו"ד סי' ת"ב סעי' י"ב.
6. מ"ב לסי' תקס"ח סעי' ח'. ■

STORIES Off the Daf

The Greatness of Kiddush

"נשים חייבות בקידוש..."

On today's daf we find that women are obligated in kiddush on Shabbos.

Rav Yitzchak of Bohosh, ז"ל, had a very unique way of making kiddush on Friday night. His face white, his eyes shining, trembling all over, he would thunder the words with fiery enthusiasm, crying tears of dveikus to Hashem. Although some wine invariably would spill from his exertions, he would be so completely wrapped up in

the holy words of kiddush that he took no notice of this.¹

Rav Chanoch of Radomsk, ז"ל, would similarly intone a very inspiring kiddush. Even when he was very ill and drinking wine was very difficult for him he refused to relent and make kiddush on any other beverage. The chasidim had no choice but to make sure that doctor Teichner, א"ח, attend the tisch to be there and care for him if the need arose.

Although this doctor came from a house that was completely secular and was very distant from observance, the intense kiddush at each tisch slowly but surely made an indelible impression on him. He began to change his

ways and became a complete baal teshuvah. It is surely no surprise that he began to daven in the rebbe's beis midrash every day.²

The Ohr Hachaim Hakadosh, ז"ל, was very careful to always learn the halachos of eidus on erev Shabbos. When asked why, he explained, "On Shabbos, we bear witness that Hashem made the entire universe in six days and rested on the seventh. I learn the halachos to determine that I am permitted to bear witness. And if not, I must do teshuvah and change my ways!"³ ■

1. חנוכת הבית-בוהוש, ע' ל"ט
2. תפארת רדומסק, מנחם אב, תשנ"ה, ע' 32
3. צבי לצדיק—אור זרוע לצדיק, דף נ"ו ע"ב ■