

OVERVIEW of the Daf

1) Clarifying the dispute between Bais Shammai and Bais Hillel (cont.)

Ravina concludes his challenge against Rava's explanation of the dispute between Bais Shammai and Bais Hillel.

A Beraisa is cited and the Gemara explains how the Beraisa could be explained in accordance with Rabbah and Rava's respective explanations of the dispute between Bais Shammai and Bais Hillel.

2) **MISHNAH:** The Mishnah presents examples of נדרי אונסין – vows taken due to circumstances out of one's control, which is the fourth category of vows that are permitted.

3) אונס—Circumstances beyond one's control

An incident is cited in which a person made a stipulation that he was unable to fulfill due to circumstances beyond his control.

R' Huna ruled that since the stipulation was not fulfilled he loses his rights.

Rava argued that he should not be held responsible for circumstances that were beyond his control.

Rava's assertion that we take into account a person who faces circumstances beyond his control is unsuccessfully challenged.

Another unsuccessful challenge to Rava's position is recorded.

R' Huna's position is unsuccessfully challenged.

The Gemara rules that an אסמכתא agreement is binding, assuming that he was not forced, and that the transaction was made in a distinguished Bais Din.

4) **MISHNAH:** The Mishnah presents additional cases of vows that were taken due to circumstances beyond one's control. ■

Distinctive INSIGHT

An oath beyond one's control

וחלה הוא או שחלה בנו או שעכבו נהר

Ritva writes that included in the category of נדרי אונסין—oaths that are beyond one's control—are those that are stated even without explicit stipulations regarding those extreme circumstances. In other words, if a person made a vow to accomplish a certain objective by a certain date, and before the deadline arrived unforeseen circumstances arose which precluded his ability to fulfill his objective, the oath is null, and the person is not liable for not having fulfilled his word. This is true even if the person could technically fulfill his word, but due to changed conditions it would now entail a much greater expense than originally anticipated. The one who uttered the oath is exempt from his commitment even in this case.

Ritva brings a proof to his assertion from our Mishnah where the person is prevented from completing his task because the river is blocking him. Now, here, the person could technically hire a boat and traverse the river. This must be the case, because if crossing the river was totally impossible, the person's being exempt would not be a חידוש in any way. Nevertheless, because this would require an excessive expense, he is not expected to pay an exorbitant price in order to cross.

This is the case where a person issues a neder to do a specific task or goal. This is where unforeseen circumstances or financial excesses are considered as excuses. However, where the neder was made to not to something (not to eat an item, or not to benefit from something or someone), an אונס is not a factor to allow it. The reason is that when a neder is made to do something by a specified date, the moment of determining its fulfillment is when the date finally arrives. Here, unforeseen conditions can be exemptions to culpability. However, a neder not to do something applies immediately, and the neder is instantly in effect and considered valid. As time goes on and things change, we cannot say that the neder was never valid. This vow remains in effect, as it fulfills the criteria of האדם בשבועה.

The ריב"ש (Teshuva #387) writes that financial considerations are not allowed as excuses not to fulfill an oath. In the Mishnah, although he could apparently hire an attendant to care for his ill son for a few hours, this is not required, for three reasons. First of all, the son does not just need an attendant, he needs his father, and without his father the son will be distressed. Secondly, the אונס not to be able to leave his son's side occurs at the moment the neder to visit the friend is set to be fulfilled. This is different than an oath which is in effect, which cannot be cancelled due to financial reasons. Finally, the friend never meant for a visit to usurp the father's sitting with his son who is ill. These circumstances here indicate that the oath was not meant to be binding under these conditions. ■

HALACHAH Highlight

Making the beracha of Hagomel for one's child's recovery

או שחלה בנו

Or if his son became ill

Teshuvus Chut Hameshulash¹ was asked about the custom that some people had to recite the berachah of Hagomel after their child who was ill recovers. Is this considered an unnecessary beracha (ברכה שאינה צריכה) since the beracha was enacted for the patient himself, or perhaps it is not an unnecessary beracha since the child's recovery is considered a benefit for the father? He proceeded to demonstrate from the Gemara Berachos (54b) and Rabbeinu Chananel's commentary there that one is allowed to make the beracha of Hagomel upon the recovery of others. Therefore, it is logical to assume that a father would certainly be permitted to make the beracha for his son's recovery. Furthermore, even those who are of the opinion that maintains that it is not permitted for one to make the beracha of Hagomel when a friend recovers from illness would agree that a father could make the beracha for his son's recovery since a child and father are considered one. Additionally, the Gemara Shabbos (105b) teaches that young children die ר"ל because of the sins of the parent. Consequently, it is appropriate for the father to express thanks to Hashem for his son's recovery since it could have been the sin of the parent that could have caused the

REVIEW and Remember

1. What are the different ways to explain the Beraisa of the one who vowed from benefiting from five people at once?

2. What are "nedarim beyond one's control"?

3. Are all אונסין treated the same?

4. What is an אסמכתא?

child's demise.

If, however, the child was old enough to make the beracha himself one could say that the father should not make the beracha for his child, thus taking into account the position that maintains that one may not recite the beracha of Hagomel for another. Other authorities² hold that a child who has reached the age of chinuch should recite the beracha for himself. Mishnah Berurah³ cites in the name of earlier authorities that a child is not obligated to recite the beracha of Hagomel, even for the sake of chinuch. Other authorities⁴ add that the father should also not make the beracha on behalf of his child. ■

1. תשב"ץ טטאור א' סי' ד'
2. ע' כף החיים סע' רי"ט אות ב' בשם כמה אחרונים
3. מ"ב שם סק"ג
4. ע' שערי תשובה סק"א וכה"ח הנ"ל ■

STORIES Off the Daf

The false oath

אונס רחמנא פטריה

Acertain man borrowed money from his wealthy friend and made an oath to repay the debt by a certain date. Unfortunately, when the time came, the debtor told the creditor that he simply didn't have the money to pay. The enraged creditor summoned the debtor to beis din. When taxed with his deed, the man admitted to having sworn. He explained that he

had been hoping that Hashem would help him pay the debt back. Sadly, he apparently didn't have the necessary merit for this. He was hard pressed to even put bread on his table and had not a penny to spare—a fact that was well known to everyone in the area.

The creditor demanded that the man be put in נידוי, which is the penalty for swearing falsely. Although a talmid chacham agreed that the man deserved נידוי, the judges were not so sure.

They decided to put this question before the Tashbitz, zt"l. He replied, חס to embarrass a fellow Jew

with a cherem who has done nothing to deserve it! We know he doesn't have the money to repay his debt. Why shouldn't we believe him when he says he swore because he was hoping for heavenly assistance which didn't arrive? What should he do? He can't find more lucrative work. Should he rob or steal? Surely he did not swear relying on receiving a loan from someone else to repay this one, since who will lend money to such a wretched fellow? He doesn't even have material goods to leave as collateral. It is regarding such cases that Chazal said, אונס רחמנא פטריה. ■

