

This month's Daf Digest is dedicated in memory of
Mr. Israel Gotlib of Antwerp and Petach Tikva, Yisrael Tzvi ben Zev.
By Mr. and Mrs. Manny Weiss

OVERVIEW of the Daf

1) **MISHNAH:** The Mishnah begins with the topic of opening a vow based on Yomim Tovim and Shabbos. From this topic the Mishnah moves to the topic of R' Akiva's position that a vow that is partially annulled is considered entirely annulled. The Mishnah presents many cases related to this topic of a vow that is partially annulled.

2) Clarifying the Mishnah

Rava identifies one of the cases of the Mishnah that does not follow R' Akiva's principle as reflecting the opinion of R' Shimon.

The Gemara clarifies the Mishnah's case related to the vow against wine.

The Gemara clarifies the Mishnah's case related to the vow against onions.

3) **MISHNAH:** The Mishnah begins with the topic of opening a vow because of divorce related issues. Examples of vows that are discovered to be invalid due to mistaken knowledge are presented. A related incident is recorded.

4) Clarifying the Mishnah's incident

It is noted that the incident in the Mishnah seems to contradict the previous ruling in the Mishnah.

The Gemara answers that the Mishnah is missing a section and cites that missing section.

A Baraisa relates that R' Yishmael beautified the woman mentioned in the Mishnah by making for her a gold tooth.

5) Shalom Bayis

The Gemara presents four incidents in which Tanaim went out of their way to take steps to maintain Shalom Bayis even though it was at their own expense.

הדרן עלך רבי אליעזר

6) **MISHNAH:** The Mishnah begins with a ruling about who has the authority to annul the vow of a na'arah who is an arusah. ■

Distinctive INSIGHT

The rationale behind the ruling of Rabbi Akiva

עד שבא רבי עקיבא ולימד נדר שהותר מקצתו הותר כולו

In his commentary on the daf, ר"ן cites the Yerushalmi which brings a verse as the source for the opinion of Rabbi Akiva who says that a neder becomes completely nullified if any part of it becomes nullified. In reference to making vows, the Torah states (Bemidbar 30:3): "All that he says with his mouth he shall do." This implies that only when a person can fulfill his entire commitment is the vow in effect. However, as soon as part of the vow is cancelled, only part remains, and as such, that part is no longer binding. רמ"ש writes that the opinion of Rabbi Akiva is based upon logic. We understand that the person pronounced a neder expecting that his words would be effective in their entirety, and not only partially. Either he would be responsible for his complete commitment, or none of it.

רמ"ש (Y.D. #190) explains that רמ"ש agrees with the scriptural source of the Yerushalmi, but he explains the rationale behind it. If the person expected that his vow would be effective even partially, he would have pronounced the vow in a manner whereby his intentions would be understood as such. The fact that he stated his vow as a "package deal"

Ritva explains that when a neder is released by a חכם using an opening (פתח) or with regret (חרטה) the part of the neder that is released is as if it was never stated in the first place. Even if this is true for only part of the neder, this process effectively results in the entire neder never having been made.

רמ"ש cites Rambam who says that the rule of Rabbi Akiva is true in regard to mistaken vows (נדרי טעות) for example, where a person saw a group of people eating his fruits, and he declared that the fruits should be prohibited from them. The person only later found out that his own father was among the group, and he certainly would not have made such a statement had he known that his father was there. Similarly, this is the case regarding a neder which is released with a פתח, where the vower would not have made his commitment had he realized the consequences of his words. However, when part of a neder is released with חרטה, only the part which is regretted is dismissed, but the rest of the neder remains intact. Tosafos (brought in ר"ן to 27a) clearly holds that even a vow released partially by חרטה is completely null. ■

HALACHAH Highlight

Wearing a false tooth made from gold

תנא שן תוחבת היתה לה ועשה לה ר' ישמעאל שן של זהב

A Baraisa taught: She had a false tooth and R' Yishmael replaced it with a tooth made from gold

The Gemara Shabbos (64b) presents a dispute whether it is permitted to walk in a public domain with a false tooth. Rashi¹ explains that the dispute applies to a gold tooth but it is certainly permitted to go out wearing a silver tooth. The rationale behind this position is that since gold is expensive there is the concern that the owner of the false tooth will remove it to show a friend the gold and will inadvertently carry the tooth four amos in a public domain. Rashi's teachers hold the opposite. They suggest that people will not remove their gold teeth since the gold looks noticeably different than their other teeth and they are afraid that others will mock them but since silver teeth look similar to natural teeth there is a fear that someone may remove the tooth and inadvertently carry it four amos in the public domain.

Maharsha² notes that our Gemara refutes the position of Rashi's teachers. Our Gemara relates that R' Yishmael made a gold tooth for a woman to beautify her but according to Rashi's teachers a gold tooth is one that would lead others to mock her. Teshuvos Shoel U'meishiv³ suggests that the reason R' Yishmael made her a gold tooth was to overcome the previous embarrassment she suffered by having a wooden tooth but other women who previous to receiving their false tooth had their own natural teeth would be embarrassed to have a gold tooth that would look different from her natural teeth.

Teshuvos Rav Pealim⁴ cites the comments of Maharsha and suggests a resolution different than that of Shoel U'meishiv. He

REVIEW and Remember

1. What is an example of R' Akiva's principle that a vow that is partially annulled is entirely annulled?

2. To what did R' Yishmael attribute women who are ugly?

3. What was the disagreement between R' Yehudah and R' Shimon concerning Shalom Bayis?

4. What beautiful trait did R' Yishmael the son of R' Yosi find in an ugly woman?

proposes that R' Yishmael made for this woman a false tooth out of white gold. The advantage of making out of this material is that it provides a more natural appearance than even silver could provide. Additionally, a false tooth made of silver will, over time, turn dark from food and drink, whereas the color of gold does not change over time. This explanation also avoids Shoel U' Meishiv's concern with his own explanation, namely, how could R' Yishmael make this woman a false tooth out of gold if it is prohibited to wear the tooth in a public domain in Shabbos. According to Rav Pealim's explanation, however, there will be no issue for the woman to wear a false tooth made from white gold since it will not be a cause for embarrassment. ■

1. רש"י שבת ס"ה ד"ה ד"ה אבל
2. מהרש"א חידושי אגדות לסוגייתנו
3. שו"ת שואל ומשיב מהדורא א' ח"ג סי' כ"ז
4. שו"ת רב פעלים יו"ד ח"ג סי' י"ג ■

STORIES Off the Daf

Two vows

הותר כולו

A certain man wished to avoid drinking wine altogether, since the only wine available was quite potent and he had a tendency to overdo it. He also desired to stay away from silk clothes since this made him feel self-important. He was all too aware that such indulgences caused him to behave in a deplorable manner. He decided to make a vow prohibiting the two; the man impulsively declared, "I make a shavua that I won't wear silk clothes or drink wine!"

A short time later he was considering annulling one of the vows. It suddenly struck him that since we hold that if part of a vow is annulled the entire vow is rendered void, if he annulled one half, the second half would be automatically null and void. If he wanted to be obligated to avoid the second behavior he needed to make a second vow. He was unsure of this, however, so he decided to consult with the famous Rivash, ז"ל.

The Rivash replied, "The decision of the Gemara in Nedarim 66 that if a part of a vow is annulled the entire vow is void doesn't apply in your case since what you did actually counts like two separate vows. The Mishnah is discussing the case

of one who made an oath regarding a group of people, that none are permitted to enjoy a particular benefit. If one of them was permitted, however, all of the others may derive benefit as well. But the Rambam actually holds like Rav Shimon, who says that if the form that the vow took was individualized—"I will not benefit from Yaakov and Yisrael and Yitzchak"—rather than a single vow upon the group as a whole, the oath counts like many individual nedarim. And each requires its own annulment.

The Rivash concluded, "The same is true in your case. Even if you annul one of your vows, you are still obligated by the other until it too is annulled!" ■

