

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) Silence intended to cause distress (cont.)

R' Chisda concludes his challenge to R' Chanina's ruling that if a husband remains silent to distress his wife it is not a confirmation, and he can revoke her vow even ten days later.

This challenge is rejected.

The Gemara digresses to clarify a point in the Baraisa cited by R' Chisda.

R' Kahana successfully challenges R' Chanina's ruling from a Baraisa.

A point in the Baraisa is clarified.

Rava also presents a successful challenge to R' Chanina's ruling.

הדרן עלך נערה המאורסה

2) **MISHNAH:** The Mishnah rules that a husband/father may only revoke those vows that relate to a woman's suffering, but there is a dispute over what is considered suffering.

3) The types of vows that can be revoked

The Gemara challenges the Mishnah's indication that only vows that relate to a woman's suffering can be revoked when a husband/father should be able to revoke those vows that relate to their relationship.

The Gemara responds that the husband/father can revoke both types of vows but vows related to a woman's suffering are revoked forever whereas vows related to their relationship are revoked only as long as they remain married.

This interpretation is successfully challenged.

Another distinction between these two categories is suggested.

4) Bathing

The Gemara suggests an explanation for the vow mentioned in the Mishnah related to bathing but it is rejected.

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Today's Daf Digest is dedicated
In loving memory of Moshe Yechezkel ben Yehoshua A"H
by his children Dr. and Mrs. Aaron Friedman

Today's Daf Digest is dedicated
In loving memory of the yahrzeit of our brother
משה דוב בן שמואל ע"ה Mr. Marvin Brickman o.b.m.
by Mr. and Mrs. Alan Gerber

Distinctive INSIGHT

The power of speech

ואילו נדריים שהוא מפר

The Gemara on Nedarim 78 and 79 discusses the various powers of a father to nullify his daughter's oaths, and of a court or qualified scholar to release her from her vow. These powers are derived from the verses at the beginning of Parashas Mattos, introduced by the Torah with the words **זֶה הַדָּבָר**—"This is the matter."

HaKesav VeHaKabbalah shows that there is a difference in meaning between those times when the word **זֶה** precedes the word it modifies, such as **זֶה הַכֶּבֶד**, and those occasions when **זֶה** follows the word it modifies, such as **בֵּית זֶה** or **הַיּוֹם הַזֶּה**. In the latter case, the word **זֶה** merely serves to stress that we are dealing with this house or day rather than another. In the former case, however, when the word **זֶה** precedes the noun, the word indicates that a matter of exceptional and unique importance is being considered. The Torah uses the phrase **זֶה הַדָּבָר**—"this is the thing" or "this is the word" - ten times. In each case, the verse is an illustration of the importance and impact of man's power of speech.

In the verse from Mattos, the Torah teaches us that through the power of the words that come out of one's mouth, man can transpose an object from the realm of the permitted to the realm of the forbidden, or change an act from being optional to being obligatory. We have difficulty understanding why certain foods are prohibited by the Torah, but we rely on the infinite wisdom of Hashem, Who tells us that these foods are in some sense "unfit" for the Jewish soul. But when man forbids a certain food to himself through a vow, it is even more difficult to comprehend how this piece of bread, through its newly conferred status of "forbidden food", can possibly be "unfit" for anyone's soul, since it was quite healthy and acceptable only a few moments before! To stress this extraordinary and far reaching power of man's speech, his ability to alter the very spiritual properties of an object, the Torah uses the expression **זֶה הַדָּבָר**—"this is the power of speech".

Perhaps this idea can help us to understand why, unlike all other portions of the Torah, this chapter in particular was related to Bnei Yisrael through the heads of the tribes, and not directly. The head of the tribe, elsewhere referred to as **נָשִׂיא**, has a certain halachic status. All people are commanded to show him respect, and if he sins he must bring a special kind of sin offering, unlike that brought by a commoner. (See Vayikra 4:22 ff., Shemos 22:27)

How was this exalted status attained? It was through the declaration of the congregation's representatives. Thus, the heads of the tribes were themselves a personification of the idea that through a mere utterance a halachic status can be conferred upon a heretofore ordinary object. It is for this very reason that they were chosen to convey the message to the people about the power of vows, oaths, and utterances of one's mouth. ■

HALACHAH Highlight

A father's right to revoke his daughter's vows that pertain to their relationship

בין איש לאשתו בין אב לבתו

"Between a man and his wife, between a father and his daughter."

Sifrei¹ equates the right of a father to revoke vows with the right of a husband to revoke vows. Therefore, just as a husband may only revoke those vows that involve either affliction or something pertaining to their relationship (דברים שבניו לבניה) so too a father may only revoke those vows that involve either her affliction or something that pertains to their relationship. There are many suggestions amongst the commentators to explain how the concept of דברים שבניו לבניה applies between father and daughter. Rabbeinu Avrohom Min Hahar² writes that the father, who has the right to collect the kiddushin money of his daughter, could suffer financially if his daughter was to refrain from applying makeup or perfume and stands to gain financially if she does apply makeup and perfume. Therefore, these are matters that are considered בינו לבניה. Levush³ suggests that regarding the father any vow the daughter takes is categorized דברים שבניו לבניה because of the detrimental effect her vows have on him. The Gemara (64a) earlier taught that when a girl takes a vow people think of her behavior as evil and refer to her as רשיעא בר רשיעא — "The evil one the offspring of the evil one." Since her vows have a negative impact on her father they are considered דברים שבניו לבניה and he may revoke them.

Shulchan Aruch⁴ mentions three opinions related to a father's ability to revoke his daughter's vows that involve affliction. The first opinion maintains that a father may only revoke those vows that relate to affliction whereas the second opinion main-

REVIEW and Remember

1. According to the Baraisa, what do the words ואם החרש יאמר לה אישה teach?
2. What types of vows is a husband authorized to revoke?
3. What is the dispute related to the definition of vows that involve affliction?
4. What is the difference between vows that involve affliction and vows that pertain to the relationship between husband and wife?

tains that there is no restriction. The third opinion compromises and suggests that before she is engaged he can revoke all her vows but once she was engaged and her husband dies, when she returns to her father's domain he may only revoke those vows that relate to her affliction. Since Shulchan Aruch does not mention anything about a father revoking vows that are בינו לבניה, it seems that they are outside of his domain. Taz⁵, however, cites many earlier authorities who maintain that a father is authorized to revoke those vows that are בינו לבניה and it seems that this is the accepted opinion in halacha⁶. ■

1. ספרי פרשת מטות פסקא קנ"ה
2. רבינא אברהם מן ההר בפירושו לנדריים עט: ד"ה גרסינן
3. לבוש יו"ד סימן רל"ד סע' נ"ח
4. שו"ע יו"ד סי' רל"ד סע' נ"ח
5. ט"ז שם ס"ק מ"ח
6. ספר כל נדרי פרק ל"ז סע' ב' ■

STORIES Off the Daf

A silence that speaks

בשותק על מנת לקיים

Today's daf discusses different types of silence and their ramifications regarding affirming a vow. Sometimes silence can be like acquiescence. At other times a person is silent only because he is vexed.

Rabbi Akiva Eiger's sterling middos were legendary, especially his humility. He always thought of other people and was careful not to hurt their feelings. He was also exceedingly careful not to transgress any prohibitions. Like all gedolei Yisrael, every word or deed was meticu-

lously measured. Due to his phenomenal humility, he rarely replied to queries from other countries. He would explain, "Yisrael is not an אלמן, a widower as it were, bereft of gedolei Torah in Poland. There are numerous greats in your own country. I am not worthy to be chosen over them."

One time he received a complicated halachic query from Lustig, Poland. He did not respond for a brief period as per his usual well-known custom. However, the people of Lustig contacted someone they knew in the city where Rabbi Akivah Eiger lived. This person approached the Gadol and tried to convince him to write. The Gadol was silent however and their agent correctly figured that this signified

that the Gadol did not acquiesce. He only refrained from refusing outright so as not to provoke the man trying to convince him to answer the question.

Shortly after this conversation, to everyone's surprise, the Gadol did respond to their inquiry. He wrote why in his teshuvah. "I am departing from my regular custom since, although I remained silent when I conversed with your emissary, I later realized that I might have inadvertently nodded as one who is agreeing to something. I therefore have no choice but to respond to your inquiry..."

The Gadol was afraid that his silence coupled with a slight nod would be taken as an affirming silence! ■

