

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) Bathing (cont.)

Another suggestion of the Mishnah's case referring to bathing is offered.

This explanation is rejected because it does not match with R' Yosi's response.

The explanation is modified to fit in with the response of R' Yosi.

2) "If I do not bathe"

The Gemara seeks clarification of the Mishnah's case of not bathing.

R' Yehudah suggests one explanation of the Mishnah's case related to not bathing.

This suggestion is rejected.

R' Yehudah offers another explanation for this case.

3) Adornment

The Gemara explains the cases in the Mishnah related to adornment.

A challenge is presented against this explanation that forces the Gemara to modify the Mishnah slightly.

4) Bathing (cont.)

The assertion that not bathing involves suffering is challenged.

Rava answers this challenge.

The Gemara begins to mount a challenge against R' Yosi who in our Gemara maintains that refraining from bathing does not constitute affliction whereas in a Baraisa he holds that not laundering would constitute an affliction and certainly not bathing should constitute affliction. ■

REVIEW and Remember

1. How does the Gemara explain the case of the Mishnah concerning a vow related to bathing?

2. Is it disgusting to not bathe for a day?

3. What is the Mishnah's case related to not bathing?

4. What is R' Yosi's extreme position related to laundry?

Distinctive INSIGHT

Rationing water to drink or to do laundry

חיי אחרים וכביסתן, חיי אחרים קודמין לכביסתן

The Mishnah stated that abstaining from bathing is a form of עינוי נפש—self-affliction. Rebbe Yosi, however, is of the opinion that abstaining from bathing is not a form of עינוי נפש. The Gemara cites a Baraisa, where a city owns a spring of water which flows from their town to another city. If there is not enough water to suffice for all the needs of both municipalities, priorities and decisions must be made. For example, if there is only enough water to supply the needs of the first city, their lives take precedence over the lives of the people of the city downstream. If, after apportioning water for their own drinking there is more water, but they must choose between their having enough water to launder their clothes or to allow the water to flow and support the lives of the next city, the Baraisa rules that the lives of others takes precedence over the laundry needs of the city with the spring. Rabbi Yosi disagrees and says that their own laundering takes precedence over the lives of others.

Chasam Sofer notes that the opinion of Tanna Kama illustrates a fundamental rule in giving tzeddaka. The general rule is "the poor of your city come before the poor of other cities," yet we see here that providing water for others does come before the laundering needs of the city itself. The answer is that the local needs are given priority only when we are dealing with parallel needs. For example, if both cities need water to live, or if both cities need food or clothing—it is in these cases that the local needs take precedence. However, if the needs are different, as we see here where the local needs are to have water for laundry, and the other city needs water to live, here we say that the lives of others come before the local laundry needs.

The opinion of Rabbi Yose is that the local laundry needs are more important than the lives of the people of the neighboring city. This seems perplexing, and several approaches are suggested by the Rishonim to explain it.

ר"ן says that Rabbi Yose holds that not laundering clothes

(Insight...Continued on page 2)

Today's Daf Digest is dedicated

In honor of our father,

Mr. Dov Berger, אהרון דב בן אפרים הלוי

on his birthday.

May he be זוכה to have many more years of learning.

HALACHAH Highlight

Vows of affliction - נדרי עינוי נפש

ורבי יוסי סבר ניוול דחד יומא לא שמיה ניוול

R' Yosi maintains that making herself ugly for a day is not called making herself ugly

The definition of a vow of affliction - נדרי עינוי נפש - is a vow to refrain from something that will cause oneself affliction by refraining from that item. The degree of affliction, whether small or large, is not germane; as long as there will be affliction the husband/father can revoke the vow. Thus Shulchan Aruch¹ rules that not only is a vow to refrain from bathing categorized as a vow of affliction but also even a vow that she will not sing or listen to music is categorized as a vow of affliction.

Poskim disagree whether there is a minimum duration of the affliction in order to be categorized as a vow of affliction. Rambam² rules that it doesn't make a difference whether the duration of the affliction is long or short: it is considered a vow of affliction and the father/husband can revoke the vow. The source for this position, explains Kesef Mishnah³, is our Gemara that implies that according to Rabanan, in contrast with R' Yosi, making herself ugly for one day is still considered making herself ugly (ניוול דחד יומא שמיה ניוול). Since the Gemara does not draw any distinctions it seems that the reference to one day is not specific and making herself ugly for any duration of time is categorized as a vow of affliction. Aruch Hashulchan⁴ adds that although women do not necessarily bathe or apply make-up on a daily basis, nevertheless, once she prohibits herself from bathing or applying make-up she will be afflicted because the nature of people is to yearn for something that is prohibited.

(Insight...Continued from page 1)

causes a great deal of physical pain. This is therefore considered a life threatening condition, and the local population is entitled to launder their clothes. Tosafos and Rosh say that Rabbi Yose holds that a person's physical discomfort is more important than someone else's life. In other words, if a person has a certain resource necessary for his personal welfare, it is not necessary for him to forfeit it for someone else's life. The הפלאה writes that the case here is that the other city is not in danger without the water, but they would have to import water from somewhere else. Nevertheless, here Rabbi Yose says that the owners of the water may do their laundry, and they do not have to provide water for the convenience of their neighbors. ■

Teshuvos Beis Yaakov⁵ disagrees and rules that affliction for less than a day does not qualify as affliction. A similar position is discussed by R' Akiva Eiger⁶. He explains that the only time affliction for a day is considered sufficient grounds to revoke a vow is if she declared that she will never again eat fruit or bathe if she bathes today. This type of vow the husband is authorized to revoke and we do not say to her that she should not bathe today so that she will not trigger the prohibition because refraining from bathing for a day involves affliction. Therefore, it is reasonable to assume that she will bathe today and thus trigger a vow that will cause her ongoing affliction. ■

1. שו"ע יו"ד סי' רל"ד סע' ס"ב
2. רמב"ם פי"ב מהל' נדרים הל' ד'
3. כסף משנה שם
4. ערוה"ש שם סע' פ"ד
5. שו"ת בית יעקב סי' קנ"ב
6. חידושי רעק"א ליו"ד שם סע' נ"ט ■

STORIES Off the Daf

"If you shall pain him..."

כביסתן קודמת לכביסת אחרים

The Maharsham, zt"l, said, "Every little pain caused to another human being causes one to transgress the prohibition of, 'If you shall pain him...I will kill you with a sword.' This is clearly written in Meseches Semachos which states that one reason why Raban Shimon ben Gamliel and Rabbi Yishmael ben Elisha died such a terrible death was that when people came with halachic questions they were told the Rav was unavailable. And we learn even more from Nedarim 80. There it states that if there is only a limited amount of water in

a city, the laundry of those who live in the city takes precedence before the laundry of those from out of the city. Rabbi Yossi there goes even further. He says that the laundry of the inhabitants of the city even takes precedence over the drinking water for people from other cities. The Ran explains that one who cannot launder his garments undergoes tremendous emotional pain. Clearly causing another even a slight pain also transgresses this prohibition.

He continued, "For this reason I warned my household, never to make people wait for an answer. Even if I am in the middle of a meal or asleep, I give them instructions to wake me so as not to cause pain to another."

Rav Shach, zt"l, once noticed that people stopped arriving during mealtimes in his home. This surprised him, since people were accustomed to come with questions at all hours of the day and even into the night. One day, he became suspicious and surreptitiously approached the door immediately after the meal began. He was disturbed to find that his suspicions were correct; he caught a family member turning someone away. The gadol was hard of hearing and could no longer hear people's knock from where the family had always eaten their meals. From that day on, the Rosh Yeshivah insisted that they eat in the hallway right next to the front door. This afforded anyone the opportunity to disturb his meals with any question! ■

