

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) A vow prohibiting benefit from a friend

A Baraisa rules that when someone makes a vow not to benefit from a friend he cannot be released from that vow unless he is in the presence of that friend.

R' Nachman presents a source for this ruling.

Tangentially the Gemara explains the rebellion of Tzidkiyahu against Nevuchadnetzar mentioned in R' Nachman's proof.

2) **MISHNAH:** The Mishnah presents a dispute regarding things that are like new developments and not like new developments and gives examples of those kinds of cases.

3) Clarifying R' Meir's position

The Gemara questions how, according to R' Meir, a death could not be considered a new development.

R' Huna and R' Yochanan offer different explanations for R' Meir's ruling.

R' Abba successfully challenges R' Yochanan's explanation.

4) **MISHNAH:** R' Meir rules that a valid method of opening a vow is to cite a pasuk that the vower is violating by virtue of his vow. A number of these examples are cited.

5) Supporting the poor

The Gemara explains why the vower is obligated to support the subject of his vow even though one is not necessarily obligated to support every poor person.

6) **MISHNAH:** The Mishnah rules that we can release a person from his vow based on his obligation to pay his kesubah. An example of this type of case is recorded.

7) Clarifying the incident

The Gemara questions the incident in the Mishnah where R' Akiva obligated a man to pay his kesubah from movable items.

Abaye answers that the Mishnah means that it was land worth eight hundred dinars.

This explanation is unsuccessfully challenged.

It is noted that this incident indicates that we do not make an assessment for a debtor to assure that he has property left after he pays his debt.

R' Nachman bar Yitzchok explains the incident in a way that does not lead to the same conclusion. ■

Distinctive INSIGHT

Canceling a vow

המדיר הנאה מחבירו אין מתירים לו אלא בפניו

The Baraisa teaches the rule that if Reuven makes a vow restricting benefit from Shimon, if the neder will be nullified or cancelled, it should be done so only in the presence of Shimon. The Rishonim provide various explanations for this halacha, and the corresponding cases to which it applies.

The Yerushalmi cites two opinions regarding this case. One explanation is חשד—that Reuven must not elicit suspicion that his actions are improper. When Reuven has his neder released without Shimon being aware of it, Reuven's actions might appear suspect in Shimon's eyes when Reuven subsequently allows himself to benefit from Shimon. Therefore, he should only proceed and benefit from Shimon if Shimon is aware that the neder has been released. This is the explanation presented by Tosafos in our Gemara.

Another explanation given in the Yerushalmi is בושה—embarrassment. There are different approaches to explain what this means. After having prohibited benefit to Shimon, Reuven can cancel the vow only if he is sincere about his willingness to do so. It might be easy for Reuven to say that he no longer wants his neder regarding Shimon to be in effect, but he will be embarrassed to say so in Shimon's presence unless he certainly means it. Accordingly, only when he states his intentions in the presence of the other person do we know that the petition to cancel the neder is sincere and that it may be nullified. According to this approach, this halacha applies to a neder when it was pronounced by Reuven for the benefit of Shimon.

Meiri notes that even the reason of "suspicion" applies only when the neder would result in Shimon personally benefitting in some way or another. In such cases Shimon cares about whether or not Reuven keeps his word and, when he does not, will suspect him of having broken his neder. However, when Reuven makes a vow not to derive any benefit from Shimon's property in the presence of Shimon, Shimon generally has no interest in whether Reuven keeps his word or not, as this vow will not affect him personally. So even if, after a beis din annulled Reuven's neder, Shimon observes Reuven deriving benefit from his property, Shimon will not "suspect" Reuven of sinning by breaking his neder. ■

HALACHAH Highlight

Revealing secrets in writing

אי"ל אישתבע לי דלא מגלית עילוי

He [Nevuchadnetzar] said, "Take an oath that you will not reveal this secret."

Teshuvos Ra'anach¹ writes that if a person took an oath that he would not reveal a secret to Shimon, he is permitted to tell the secret to Reuven and Reuven may share the secret with Shimon. The reason for this ruling is simple. Reuven never took an oath to not share a secret with Shimon and the vower also did not violate his oath since he did not divulge the secret directly to Shimon. Even though it is clear that the intention of the original oath is that Shimon should not have knowledge of the secret, it is still permitted. This is similar to the halacha of one who takes a vow that Reuven should not benefit from his property, where he is nonetheless permitted to declare, "Anyone who supports Reuven will not lose," and then reimburse the person who provided support for Reuven.

Rav Mordechai Yaakov Briesch², the Chelkas Yaakov, questioned this ruling because an oath that one will not reveal a secret to Shimon should be understood to mean that Shimon would not know the content of the secret due to an act of the vower. If this was not the way the oath would be understood, the vower should be able to write down the secret or to reveal the secret to another person in Shimon's presence. The fact that these activities are not permitted indicates that the intent of the oath was to make sure that he would not be

REVIEW and Remember

1. Why did Tzidkiyah reveal Nevuchadnetzar's secret?

2. Explain שהן כנולד ואינן כנולד.

3. What are some examples of pesukim that could be used to annul a vow?

4. How did R' Akiva arrange for a husband to regret his vow to the point it could be annulled?

the cause of Shimon discovering the secret information. Proof to this assertion can be found in our Gemara. Our Gemara relates that Tzidkiyahu took an oath not to reveal a secret about Nevuchadnetzar, and in the end he had his vow annulled and revealed the secret. Ran³ notes that in reality it was prohibited for Tzidkiyahu to reveal the secret. Asks Chelkas Yaakov, why was it necessary for Tzidkiyahu to do something improper when he could have revealed the secret by writing it down? It must be that when one takes an oath to not reveal a secret to Shimon he intends to restrict himself from transmitting the secret to Shimon in any way, whether through Reuven, by writing or by revealing the secret to a third party. ■

1. הו"ד בפת"ש יו"ד סי' רי"ח סק"ה
2. שו"ת חלקת יעקב יו"ד סי' כ"ז
3. ר"ך ד"ה והיכא ■

STORIES Off the Daf

"And your brother shall live with you..."
והי אחיך עמך

A prominent talmid chacham, passed away suddenly. Everyone was very affected by this tragic blow to their community. Those who felt his loss most keenly said, "Surely it is incumbent on those who knew him to do something in the merit of his neshama! We should all contribute to a cause ilui nishmaso." Others argued, "Where does it say that? Furthermore, who can say who is responsible to donate?"

A certain Rav decided to consult with Rav Chaim Kanievsky, shlit"a, regarding the question of the community's obligations.

Rav Kanievsky responded, "In Nedarim 65, Rav Meir holds that one can annul a neder on the basis of the possible violation of 'and your brother shall live with you' if he made a vow to withhold benefit from his relative who then asks for charity. Since the one who made the oath is bound by his words, he can't help but transgress the prohibition. Perhaps others could support this particular relative; it is of no consequence. Since the relative approached the man in question, it is his duty to provide for his own. The same holds true in our case. There is an aspect of him belonging to the community, and so the people who prayed together with him in shul must give money to charity in his memory."

The Rav asked, "He actually moved from a different area ten years ago. Do

they also have to contribute?"

"No," replied Rav Kanievsky. "Since he moved away, the other community is not obligated. But it is worthy for them to give as well."

The local Rav pressed on, "The deceased davened in a shul that hosted a kollel of many avreichim from all over the city. These avreichim only davened mincha and Ma'ariv as part of the conditions of their kollel. Do they also need to give?"

Rav Kanievsky answered, "I didn't mean specifically those who daven in the same shul. I meant those who knew him and were close to him. Anyone who knew him should donate. Those who didn't know him personally need not give." Community is more than geographic— it is when a person's life is intertwined with that of those around him. ■

