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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

### **Permitting Vows**

The Gemora cites a *braisa*: It is written here: *This is the thing* both here (regarding the annulment of vows), and it is written: *This is the thing* regarding sacrifices slaughtered outside the Temple. This teaches us that just as regarding sacrifices slaughtered outside the Temple, it (the prohibition) applies to Aharon, his sons, and all of Israel (*as it is written: Hashem spoke to Moshe, saying: Speak to Aharon, his sons, and to all of Bnei Yisrael*), so too regarding the passage dealing with (the annulment of) vows, it applies to Aharon, his sons, and all of Israel. And just as here, it (the annulment of vows) was explicitly stated to the heads of the tribes, so too, there, (regarding sacrifices slaughtered outside the Temple) it was said to the heads of the tribes (*and the Gemora later will explain that there is a halachic significance to this*).

The Gemora asks: How does this teaching practically affect the laws of permitting vows?

Rav Acha bar Yaakov answers: This teaches us that three ordinary people can annul vows.

The Gemora asks: How can we reconcile this with the verse that this was said to "*the heads of the tribes*"?

Rav Chisda, and some say Rabbi Yochanan, said: This teaches us that one expert scholar can annul the vow by himself.

The Gemora asks: How does the teaching saying that the "*heads of the tribes*" were also stated regarding sacrifices slaughtered outside the Temple find a practical application?

Rav Sheishes answers: This teaches us that there is such a thing that a vow of consecration may be annulled. (*If one designated an animal as a sacrifice and then slaughtered it outside of the Temple, if afterwards he was released from the vow (of consecration), he is exempt. For since there is release from consecration, it is as if he never designated it, because the sage uproots the vow from its inception.*) (78a1)

### **Understanding Beis Shammai**

The Gemora asks: According to Beis Shammai, who are of the opinion that a vow of consecration cannot be annulled, what is derived from the "*heads of the tribes*" that was stated regarding sacrifices slaughtered outside the Temple?

The *Gemora* answers: Beis Shammai does not hold of this gezeirah shavah (and *the heads of the tribes* is not applied to this section).

The *Gemora* asks: What do they learn from *this is the thing* mentioned in the passage (dealing with the annulment) of vows?

The *Gemora* answers: It teaches us that a sage may annul a vow, but a husband cannot annul a vow, and likewise, a husband may revoke a vow, but a sage cannot revoke a vow.

The *Gemora* asks: What do they learn from *this is the thing* mentioned in the passage of the sacrifices slaughtered outside the Temple?

The *Gemora* answers: This teaches us that one is liable only for slaughtering (a consecrated animal or bird), but he is not liable for the melikah (*the method used to kill the bird offerings*).

The *Gemora* asks: What, then, is Beis Shammai's source that three ordinary people can annul a vow?

The *Gemora* answers: They derive it from Rav Assi bar Nassan's explanation (of the following exposition): It is written: *And Moshe declared the festivals of Hashem to the Children of Israel*. And it was taught in a *braisa*: Rabbi Yosi haGelili said: The festivals were said, but the Shabbos of Creation was not said. Ben Azzai said: The festivals were said, but the passage of (the annulment of) vows was not said. Rav Assi bar Nassan had difficulty understanding this *braisa*. He went to Nehardea seeking Rav Sheishes, but did not find him. He went after him to Mechoza

(*and found him*). He asked: Isn't the Shabbos written (in these verses) with them? Additionally, the festivals were said, but the passage of (the annulment of) vows was not said with them!? But it is written by its side (for immediately following the passages dealing with the festivals, the Torah writes the passages dealing with vows)!? Rav Sheishes said to him: This is what the *braisa* means: The festivals of Hashem necessitate the sanctification of *Beis Din* (*when they establish the new moon, this establishes the dates of the Jewish calendar*), while the *Shabbos* of Creation does not necessitate the sanctification of *Beis Din* (*as it occurs automatically every seven days*). The festivals of Hashem require an expert judge (*to sanctify the months*), while (the permitting of) vows does not require an expert, and even a *Beis Din* of (three) ordinary people suffices.

The *Gemora* asks: But in the passage dealing with (the annulment of) vows, it is written: *The heads of the tribes* (which would seem to indicate that experts are required)?

Rav Chisda said, and some say Rabbi Yochanan, said: It is referring to one expert judge (who can the vow by himself). (78a1 – 78b1)

### ***Quiet Intent***

Rabbi Chanina said: If a husband is quiet (when he hears his wife's vow) in order to cause her pain (*so she will think he is confirming the vow, when really he has no intent to do so, but rather, he plans on revoking it later*), he can revoke the vow even until ten days from now.

Rava asked on this from a *braisa*. When was it said that if the husband died, his authority to revoke her *nedarim* transfers to her father? It is in the case where her husband did not hear her *neder* before he died, or he heard it and revoked it, or he heard it and remained silent, and he died on that very same day. However, if the husband heard about her *neder* and he confirmed it, or he heard it and remained silent, and he died on the following day, the father is unable to revoke this *neder*. Now, is this last teaching referring to a case where he is quiet in order to pain her (and even so the *braisa* rules that that the vow is considered to be confirmed)?

The *Gemora* answers: No! The case is where he is quiet with intent to confirm the vow (at a later date).

The *Gemora* asks: If so, that is the same case as where he heard it and confirmed it!?

The *Gemora* answers: The case must be where he was quiet without any intention whatsoever. (78b1 – 78b2)

## DAILY MASHAL

### *Shalom Bayis*

Our *Gemora* mentions a case where a wife pronounces a vow and the husband remains silent in order to distress her. He makes her think that he wishes to confirm the vow; however, in truth, he plans on revoking it at a later time.

How sad it is indeed that a marriage can come to this state. The following is noteworthy: When we need to give the Sotah (the suspected adulteress) the special water to test her fidelity to her husband, we take Hashem's Name, write it on a piece of earthenware, throw it in the water and erase it. The Gemora (Shabbos 116a) says, "My name that was written in holiness shall be erased upon the waters..." in order to bring peace between husband and wife. The simple interpretation of this is that for the purposes of establishing Shalom Bayis (domestic harmony) between husband and wife, Hashem even allows the erasing of His Name.

Rabbi Frand cites the Maharal, in his *Nesivos Olam*, who gives a different interpretation to this halachah. When a husband and wife are living in peace, the Shechinah (Divine Presence of G-d) dwells amongst them. When there is disharmony between husband and wife, the Shechinah is not there. In other words, when the husband and wife are in dispute with one another, there is already an erasure of Hashem's Name. For this reason, Hashem says, "Let them use my Name to bring back Shalom Bayis." Such a process does not cause an erasure of My Name and Presence from this world; on the contrary, that process restores the Shechinah!