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Daf Notes is currently being dedicated to the neshamot of

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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

If I Bathe

The *Mishnah* had stated: These are the vows which a husband may revoke: Vows which involve personal affliction. For instance, if a woman said, “If I bathe.”

The *Gemora* asks: What precisely was her *neder*? If she said, “The produce of the world is konam upon me if I bathe,” why does it need to be revoked? Let her not bathe and the produce will not become forbidden to her! And additionally, how could Rabbi Yosi say that these are not *nedarim* which involve personal affliction, perhaps she will bathe and the produce will become forbidden to her?

Rather, this is what she said: “The pleasure of bathing is konam upon me forever if I bathe.” Therefore, he may revoke the *neder* for her, for what should she do? If she bathes, all future bathing will become forbidden to her! If she does not bathe, she will become repulsive. Rabbi Yosi, however, maintains that it is possible for her not to bathe, and he is not concerned that she will become repulsive (*this is not regarded as personal affliction, and therefore, he cannot revoke her neder*).

The *Gemora* asks: If so, the *Mishnah* should have said the following: Rabbi Yosi says that these are not regarded as conditions involving personal affliction. (*In the Mishnah’s case, it was not only the neder that did not involve personal affliction; even if the neder had involved personal affliction, he still would not have been able to revoke it. This is because the condition did not involve personal affliction, and we would be able to tell her: Don’t bathe and the neder will not take effect.*)

Rather, this is what she said: “The pleasure of bathing is konam upon me forever if I bathe today.” Rabbi Yosi maintains that it is not repulsive to refrain from bathing for only one day. (79b2 – 80a)

If I do not Bathe

The *Gemora* asks: You have answered the case of the *Mishnah* where she said, “If I bathe,” but what is the case of the *Mishnah*, “If I do not bathe”? If she said, “The pleasure of bathing should be forbidden upon me if I do not bathe today,” why does it need to be revoked? Let her bathe today (*and bathing will not be forbidden to her*)!

Rav Yehudah said: The case is where she said, “The pleasure of bathing should be forbidden upon me forever if I do not bathe in water in which flax was soaked (*which is foul smelling; it is regarded as a neder which involves personal affliction, for either she will bathe in this retting water or she will never be permitted to bathe again*).

The *Gemora* asks: Accordingly, when the *Mishnah* states, “If I do not use adornments,” will be referring to a case where she said, “If I do not use adornments of naphtha,” and that cannot be, for using naphtha would make her filthy (*and will not be considered an adornment*).

Rather, Rav Yehudah said: (*In the first case of the Mishnah*) She said, “The pleasure of bathing is forbidden upon me forever if I bathe today.” And in the second case, she said, “I make an oath that I will not bathe.” (80b1)

Adornments

The *Gemora* continues explaining the *Mishnah*: The first case of adornment is where she said, “The pleasure of adornment is forbidden upon me forever if I adorn myself today.” And in the second case, she said, “I make an oath that I will not adorn myself.”

Ravina asked Rav Ashi: If so, the *Mishnah* should have said, “These are the vows and oaths which a husband may revoke”!

He said to him: The *Mishnah* should be emended to say: “These are the vows and oaths which a husband may revoke”! Alternatively, we can answer that oaths are also referred to as vows, for we learned in a *Mishnah*: If one declares, “Like the *nedarim* of the wicked,” it is a valid vow to become a *nazir*, to bring a *korban*, or to an oath. (80b1)

The Affliction of “Not Bathing”

The *Gemora* asks: Do the Rabbis actually hold that refraining from bathing is regarded as something that involves personal affliction? The following *Baraisa* contradicts this: Although all of these (*bathing, anointing, wearing leather shoes and cohabitation*) are forbidden (*on Yom Kippur*), *kares* is incurred only for eating, drinking and performing work. But if you maintain that in refraining from bathing there is personal affliction, then if one bathes on *Yom Kippur*, he should be liable to *kares*!?

Rava answers: In each case our ruling is based upon the Scriptural context. In reference to *Yom Kippur*, where it is written: *You shall afflict yourselves*; this refers to something whereby affliction is perceptible at the time (*such as abstaining from eating and drinking*). Refraining from bathing is not an immediately perceptible affliction (*but rather, something that becomes recognizable after a few days*). But of vows, where it is written, *Every vow and every binding oath to afflict the soul*; this refers to something

which leads to affliction, and if she does not bathe, it will result in affliction. (80b1 – 80b2)

Causing Distress

The *Gemora* cites the opinion of Rabbi Yosi mentioned in the following *Baraisa* which seemingly contradicts that which he ruled in our *Mishnah*. The *Baraisa* states: If there would be a spring that belongs to an upper city, from which water flows down to another city; all agree that the residents of the first city can stop the flow to the second city if they need it for drinking water in order to live, even at the cost of the lives of the second city. The rationale is “*chayecha kodmin*,” their lives take precedence over others. Their animals take precedence over the animals belonging to others. Their laundry takes precedence over the laundry of others. If there is a choice between the lives of others and their own laundry, the lives of others take precedence over their own laundry. Rabbi Yosi holds that their own laundry takes precedence over the lives of others. (*Refraining from laundering would cause so much pain that it is regarded as being a life-saving issue.*) Now, if refraining from laundering causes so much pain, certainly “not bathing his entire body” will cause tremendous pain!?

The *Gemora* answers: They said: Yes! Rabbi Yosi holds that the pain caused by refraining from laundering is worse than not bathing. For Shmuel said: The filth of the head (*caused by not combing*) lead to blindness; the filth of (*unlaundered*) garments causes madness; the filth of the body (*resulting from not bathing*) causes boils and sores. (80b2 – 81a1)

INSIGHTS TO THE DAF

Who Takes Precedence?

The *Baraisa* states: If there would be a spring that belongs to an upper city, from which water flows down to another city; all agree that the residents of the first city can stop the flow to the second city if they need it for drinking water in order to live, even at the cost of the lives of the second city. The

rationale is “*chayecha kodmin*,” their lives take precedence over others. Their animals take precedence over the animals belonging to others. Their laundry takes precedence over the laundry of others. If there is a choice between the lives of others and their own laundry, the lives of others take precedence over their own laundry. Rabbi Yosi holds that their own laundry takes precedence over the lives of others. (*Refraining from laundering would cause so much pain that it is regarded as being a life-saving issue.*)

Reb Avi Lebowitz discusses the halachic ramifications that can be derived from this *Gemora*. Based upon the version of the Ya'avetz in the Mefarsh, this *halacha* is only true if the actual spring is inside the upper city, so that the water belongs to them and the only question is whether they have to risk their lives to share it with others. But, if the spring was located above both cities and merely flowed through one city to another, the upper city is not considered the owner of the water and would not have rights to damn the river from flowing to the lower city.

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Based upon Rabbi Yosi's opinion, the Beis Shmuel (Even Ha'ezer 80:15) explains that a nursing mother is entitled to eat foods that may cause harm to the baby if by refraining from these foods she will suffer physical pain, because Rabbi Yosi entitles one to wash their clothing to alleviate physical discomfort even at the expense of the lives of the lower city. The Beis Shmuel seems to understand that this would only be when there is a definite physical suffering to the upper city, and a questionable danger to the residents of the lower city, but if it would be a definite danger to the lower city, all would agree that the danger of the lower city takes precedence.

The Bi'er Heitev points out two difficulties with the Beis Shmuel's comparison: 1. Why would we follow Rabbi Yosi rather than following the Chachamim who disagree with Rabbi Yosi? 2. The laundry of the upper city can also lead to danger, and only under those circumstances would Rabbi Yosi give precedence to the upper city.

Regarding the second point, Reb Avi states that it does not seem that way from the language of the *Gemora*; rather, the *Gemora* clearly indicates that the prohibition of “*lo ta'amod al dam rei'echa*” (*and let your brother live with you*) does not apply when it will cost you physical suffering.

Another distinction that can be made is that in the case of the *Gemora*, they are holding back the water from the lower city which is indirectly causing harm, but when the mother eats foods that are detrimental for the nursing child, she is directly causing harm. Perhaps one might counter that withholding water also qualifies as a “direct harm.”

DAILY MASHAL

'All' your Words

The Torah writes regarding one who pronounces a vow: *kichal hayotzei mi'piv ya'aseh* – ‘like’ all that comes from his mouth, he shall do. Rav Moshe Shternbrach writes that it is not sufficient for him to do like what comes out of his mouth, but rather, he must fulfill **all** his words, and not detract from anything that he accepted upon himself.

The Dubna Maggid adds to this that the Torah used an extra letter ‘kaf’ – ‘like’ all; this teaches us that he should uphold his words – even for things that only appear that he said. One should fulfill that which it seems that he said – even if he is able to interpret his words in a different manner. We now understand why it is written that the preference is for one not to pronounce a vow altogether.