



OVERVIEW of the Daf

1) Revoking one's wife's vow (cont.)

Another attempt is made to resolve the inquiry whether the husband's revocation uproots his wife's vow retroactively or whether it merely cuts it off from this moment and forward. This proof supports the position that the husband's revocation uproots the vow retroactively.

Another Baraisa is cited that demonstrates that the husband's revocation cuts off the vow from this moment and beyond.

2) Latching onto another woman's nezirus

Mar Zutra the son of R' Mari suggests that the previous Baraisa is parallel to the inquiry of Rami bar Chama whether a person who declares an item to be "as the meat of a shelamim" refers to its original state of prohibition or whether he refers to its latter state of permissibility.

This parallel is rejected.

A second version declares that the two cases are exactly parallel.

The Gemara wonders what the halacha will be for a woman who, in response to another woman's declaration of nezirus, states, "I am a nezirah in your footsteps," when the first woman's nezirus is later revoked.

An unsuccessful attempt is made to resolve the inquiry and the question is left unresolved.

3) The nezirus of husband and wife

The Mishnah teaches the case where the husband made a vow of nezirus and asked his wife what she would like, and she responded amen. The Mishnah ruled that the husband can revoke her vow. This halacha is challenged from a Baraisa that rules that the husband cannot revoke his wife's vow.

R' Yehudah emends the Baraisa to conform to the Mishnah.

Abaye suggests an alternative resolution to the contradiction. ■

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Distinctive INSIGHT

The link between the second woman's nezirus and that of her friend

אמרה לה הריני נזירה בעיקביך מהו? הריני בעיקביך בכולא מילתא ושריא, או דלמא כמיקמי דליפר לה בעלה ואסירא

The Baraisa above discusses a situation where a woman stated her acceptance of nezirus, and another woman who heard her declared that she would "follow in her footsteps— בעיקביך." The question is what is the status of the nezirus of the second woman if the vow of the first woman becomes revoked?

Tosafos explains the underlying issue of this inquiry. Perhaps the word עקב means that the second woman intends to follow "the end" of the situation with the first woman, which uses the translation of the word עקב as it is found in Bereshis 3:15, "you will hiss at his heel." This being the case, now that the first woman's vow is nullified, the second woman is also not a nezira. Or perhaps, the word עקב might be translated as "because of you," as we find the word used in Bereshis 26:5, "Because — עקב — Avraham obeyed My voice." This would mean that the second woman intended to become a nezira because the first woman had made a declaration. This statement suggests that the second woman's status is now independent of the first woman, and even if the first woman's nezirus is revoked by her husband, the second woman remains committed. The husband of the first woman only severs the nezirus of his wife (מינו גיזי), and it is not revoked retroactively. The second woman associated her condition to the first woman at a time the first woman's nezirus was in effect, so the second woman must observe her nezirus. ■

REVIEW and Remember

1. If a woman took a vow of nezirus became t'meiah and then her husband revoked her vow, is she obligated to bring an offering?
2. How does the Gemara demonstrate that the husband cuts his wife's vows from that moment and on?
3. Explain Ramai bar Chama's inquiry.
4. What is the Halacha when a husband takes a vow of nezirus and when he asks his wife she responds אמן?

HALACHAH Highlight

A woman whose husband revokes her nezirus

האשה שנדרה בניזיר ונטמאת ואח"כ הפר לה בעלה וכו'

A woman who took a vow of nezirus and then her husband revoked her vow for her etc.

Rambam¹ rules that if a woman takes a vow to be a nezirah, comes in contact with a corpse and then her husband hears about her vow and revokes her nezirus, she is still obligated to offer the Korban tumah that is brought when a person becomes tamei during his period of nezirus. Rishonim disagree, however, which korbanos this woman must offer. According to some opinions she is obligated to offer all three korbanos; the Chatas, Olah and Asham. Other authorities maintain that she only offers the Korban Chatas but does not offer the Asham or the Olah and a third opinion maintains that even the Chatas that she offers is only a Rabbinic requirement. Another related dispute pertains to whether this woman whose husband revoked her vow is obligated to cut her hair on the seventh day from when she became t'meiah².

The simple explanation³ of Rambam's ruling that she is obligated to bring a Korban Tumah even though her husband revoked her vow is because Rambam maintains that the husband's revocation cuts off the vow from this mo-

ment and beyond (מיגו גיזו), but when she came in contact with the tumah she violated her nezirus. Shitah Mekubetzes, however, asserts that Rambam holds that the husband's revocation uproots the vow retroactively (מיעקר עקר), which is consistent with the ruling of Rambam in Hilchos Nedarim (13:3). The difficulty with this explanation is that once the husband retroactively uprooted her nezirus it turns out that she did not violate her nezirus when she came in contact with the tumah since she was never a nezirah. Accordingly, why is she obligated to bring a Korban Tumah if retroactively she was never a nezirah? Shitah Mekubetzes, in fact, maintains that this woman is not obligated to offer a Korban Tumah, but Rambam clearly does require it, and thus there is this difficulty. The Brisker Rav explains that even if we maintain that the vow is uprooted retroactively, it does not mean that we rewrite history entirely to say that she was never a nezirah; rather it uproots her nezirus from this point forward retroactively. In other words, from this moment and on we look at her as though she never took a vow of nezirus, but as far the past is concerned we recognize that she was obligated to observe a period of nezirus that she violated. Therefore, she must bring a Korban Tumah.

1. רמב"ם פ"ט מהל' נזירות הי"א.
2. כל אלו הדברים מובא בפתחי נזיר שם ס"ק ע"ב.
3. ע' פתח הביאור שם ד"ה האשה שנדרה וד"ה שמע בעלה שמבאר כל זה. ■

STORIES Off the Daf

A question of a watch

"האשה שנדרה בניזיר..."

There was a man who owned a very handsome gold watch which was one-of-a-kind. When his friend saw him wearing it, he immediately swore that he would never own the same ornament as the man with the watch. The watch owner eventually sold his watch and the man who made the vow noticed a similar watch that interested him and he wished to purchase it. However, he didn't want to violate his vow. He couldn't annul his earlier vow since he didn't regret it in the slightest, but did his vow mean he could never

purchase a fancy watch such as his friend had owned? After all, he had only vowed not to own what his friend owned and he no longer owned a watch similar to the one he wished to purchase anyway! The Chachal Yitzchak of Spinka, zt"l, was not sure of the halacha so he consulted with the famous Maharsham, zt"l, regarding this question.

The Maharsham answered, "A prohibition that one accepted upon himself is only prohibited as long as the original motivator of the vow still owns the watch. This comes out of Nazir 22 which brings the case of a woman who vowed to be a nezira. Her friend heard and said 'and I,' but the first woman's husband soon nullified his wife's vow. The first woman is not a nezira but the

second woman is. Rav Shimon says that if the woman said: 'I am a nezira like you,' she is also permitted. Tosafos explains that Rav Shimon doesn't argue since everyone admits that the language 'I am like you' implies everything under issue.

He concluded, "Although Rambam argues on Tosafos and rules that even if she said 'I am like you' she remains a nezira, this may be because there can't be half measures by nezirus. But in regular cases, Rambam likely holds like Tosafos. Here too, one who vowed not to wear a watch like this other man's only prohibits it to himself as long as the first man owns such a watch. After it's sold, he may definitely buy a watch for himself!" ■