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נדרים ס״ז
The Chicago Center

This month's Daf Digest is dedicated In loving memory of
שרגא פייוול דוד בן קמואל
The Abramowitz family

OVERVIEW of the Daf

1) MISHNAH (cont.): The Mishnah continues to discuss the halachos of annulling the vow of a na'arah who is an arusah.

2) Clarifying the Mishnah

It is noted that the Mishnah's second ruling seems to be a repetition of the first ruling.

The novelty of the second ruling is explained.

The necessity of the Mishnah's third ruling is challenged.

The Gemara identifies an instance in which the last ruling is needed.

3) The source of the Mishnah's ruling

Rabbah points to a source for the Mishnah's ruling that both the father and husband must annul the vow of a na'arah who is an arusah.

The Gemara challenges whether Rabbah's interpretation of the vow is correct.

It is suggested that perhaps the father should have the ability to annul his daughter's vows by himself even when she is a na'arah who is an arusah.

This suggestion is rejected.

It is then suggested that perhaps the arus may annul her vows by himself.

This suggestion is also rejected.

Another possible interpretation of these pesukim is suggested and rejected.■

REVIEW and Remember

1. What does the last case of the Mishnah teach?

2. What is the source that a father and husband revoke the vows of a na'arah who is an arusah?

3. How does the Gemara know that a father cannot revoke his daughter's vows by himself?

4. Explain לומר שאין הבעל מיפר בקודמין.

Distinctive INSIGHT

When a woman's oath is not nullified

הפר האב ולא הפר הבעל, הפר הבעל ולא הפר האב אינו מופר

The Mishnah discusses a case where the father nullified the neder of his daughter, but the husband did not. In this case, the oath is not nullified.

The מפרש explains that the case is where the husband did not actually verify the neder, but it is where he was silent מעת לעת. This is also clearly the opinion of Rosh, who explains that if either the husband or father nullified the neder of the woman, but the other did not nullify it for twenty four hours, nothing can be done. רש״ש asks that if, for example, we are dealing where the husband was quiet for a full day after the father nullified the oath, the husband's silence is considered a confirmation of the oath, as we find in the verse (Bamidbar 30:15): "If her husband is silent for a day, he has sustained the oath." If the case is where the silence was for twenty-four hours, as Rosh explains, what would be the purpose of the Mishnah's last example of the oath being sustained where the husband actually confirmed it? Would it not be obvious that direct confirmation of the oath would be as strong or stronger than a day's silence?

Therefore, רש״ש explains that the case is not where a full day of silence has transpired. The message of the Mishnah is that the woman's oath is not nullified merely with the nullification of the husband or father alone, and silence by the second one leaves the situation unresolved.

Shiurei Rebbe Dovid Povarski addresses the question of רש״ש. There are, in fact, two types of confirmation. One is where the oath becomes valid by not being challenged for twenty four hours. At this point, the oath becomes official on its own, and it can no longer be nullified. The other validation is where the husband or father strengthens the oath by directly confirming it. Although silence for a full day is a form of confirmation of the oath, this is still not as strong as a confirmation of the husband where he directly states that the oath shall be valid (מוקם לך).

The Mishnah's lesson is that the nullification of one of the parties is insignificant where the other was silent for a full day, as this is, in effect, a confirmation. And it goes without saying that if the second one actively confirmed the oath that the nullification of the first one is meaningless.■

HALACHAH Highlight

Revoking the vow of an adopted daughter

אם כן "ואסרה איסר בבית אביה ... הניא אביה אותה" למה לי

Is so why is the pasuk that states, "And she created a prohibition in her father's house ... her father restrained her," needed?

The Gemara teaches that a father may revoke the vow of his daughter and a husband may revoke the vow of his wife. Although the Gemara below (73b) explains that the rationale why a husband is authorized to revoke the vow of his wife is that a when a married woman vows she does so subject to the consent of her husband, no rationale is suggested for why a father is authorized to revoke the vows of his daughter. Many authorities[1] suggest that a daughter that still lives in her father's home also willingly subjects her vows to the approval of her father.

Sefer Birkas Eliyahu[2] raises the question of whether a father is authorized to revoke the vows of his adopted daughter. He cites the comments of the Or Sameach[3] who writes that the right of a father to revoke the vows of his daughter is related to the monetary interest he has in her. In other words, since a father is allowed to sell his daughter and collect her wages, he is also able to revoke her vows. This explanation would lead us to the conclusion that a father would not be authorized to revoke the vows of his adopted daughter since an adopting father does not have the previously mentioned financial interest in his adopted daughter. Sefer Shalmei Nedarim[4] draws a similar conclusion and associates a father's right to revoke his daughter's vows with his right to marry her off to the man of his choice.

This conclusion is not so clear[5]; however, because the Gemara in Chullin (11a) attempts to prove that the Torah follows the majority based on the fact that a father is authorized to revoke his daughter's vow even though it is only based on the principle of majority that we know that he is her father. The Gemara dismisses this proof because as long as she thinks it is her father she subjects her vows to his consent. Accordingly, it could be suggested that as long as the adopted daughter considers him to be her father she subjects her vows to his consent he would have the authority to revoke her vows. ■

1. ע' מתיבתא למס' נדרים בפניני הלכה סז
2. ספר ברכת אליהו חו"מ ח"ג עמ' רל"ג
3. אור שמח הל' נדרים פי"ג ה"ט
4. שלמי נדרים סו
5. שלמי נדרים שם■

STORIES Off the Daf

A husband's agreement

מהו דתימא מאי דאוקי הא עקריה

A certain woman once made a vow, and since her husband had also wanted to avoid the thing from which she vowed to refrain, he his approval with a hearty, "Amen." Since the husband wasn't very learned, he was unaware that his saying "amen" meant that he would not be able to annul her vow if he so wished. What he knew about the subject was what he had seen in his parents' home, that a man may annul his wife's vow by saying "mufar lach" three times on the day he heard of her vow. So this husband followed his father's example and attempted to cancel his wife's neder by approaching her that very day and saying three times, "Mufar lach, it is annulled to you.

The next day, not thinking that anything out of the ordinary had happened, the couple mentioned what had happened to a few friends. One of them said, "I think that your 'amen' is considered a clear affirmation of your wife's neder, which would mean that your 'mufar lach' later on meant nothing. Why don't you go to a Rav to annul your affirmation?"

The hapless man followed his friend's suggestion. After the annulment, the man said to the Rav, "I am so relieved that my friend suggested that I come; now my hafarah of yesterday will take effect."

The Rav was taken aback and explained that he wasn't sure it had. After getting all the details, he consulted with the Rashba, zt"l, regarding this question. He asked, "First of all, did his affirmation even count? He claims he didn't realize it was an affirmation at all! Secondly, even if it does, can a Rabbinic annulment impact upon it? In Nedarim 67 it says clearly that affirmation is not uprooted Rabinically. Maybe this is a rule that applies to all types of affirmations?"

The Rashba replied, "Clearly Rabbinic annulment is retroactive, just as Rabbinic uprooting of a vow is retroactive. And as far as your 'proof' from Nedarim 67 is concerned, there the case is regarding a na'arah hame'urasah, where both the father and future husband must annul her vows. The main point there is that both need to annul together. Since both must annul at once, the husband's annulment during the time of the father's affirmation is completely void, since they didn't annul together!"■

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