

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

OVERVIEW of the Daf

1) The source of the Mishnah's ruling (cont.)

D'vei R' Yishmael offers another source for the Mishnah's ruling that the father and husband annul the vows of a נערה who is an ארוסה.

The Gemara explains how R' Yishmael will interpret Rabbah's verse.

The Gemara also explains how Rabbah will interpret D'vei R' Yishmael's verse.

2) The mechanism of revoking a vow

The Gemara asks about the mechanics of a husband who revokes his portion of a vow. Does he cut away half the vow or does he merely weaken the vow?

The question is further developed and clarified.

A lengthy Baraisa is cited that addresses five different cases (four of which appear on this daf) and from this Baraisa the Gemara will attempt to resolve its present inquiry. ■

REVIEW and Remember

1. What is the source, according to the D'vei R' Yishmael, that the father and husband jointly revoke the vows of a נערה who is a ארוסה?
2. What is the difference whether the husband cuts away half the vow or merely weakens the vow?
3. What is the Halacha when a father hears his daughter's vow and revokes the vow, but before the husband can revoke the vow the father dies?
4. What is the Halacha when a husband hears about a vow and revokes it, but the father died before he could revoke the vow?

Today's Daf Digest is dedicated by Andrew Bransky
in memory of his mother
Mrs. Carole Bransky O.B.M.
מרת סיבה ריבה בת ר' יהודה לייבן הלוי ע"ה

Distinctive INSIGHT

Clarifying the power of the husband and the father

איבעיא להו בעל מיגז גיזו או מקליש קליש

The Mishnah taught that the neder of a betrothed girl is to be annulled by both the father and the husband. The Gemara presents an inquiry— in a case where only one of them nullifies the oath, does this “cut away” half of the neder, leaving the other half completely intact, or does it “weaken” the entire oath across the board? Although the inquiry of the Gemara is expressed only in terms of qualifying the power of the husband, where he is the one who nullifies his part of the oath, the Rishonim understand that this same question applies to identifying the nature of the father's powers, as well.

The קרבן נתנאל asks about this approach from a teaching found in the Yerushalmi. There, the analysis of “cutting” or “weakening” is clearly presented only in terms of the father. Where the husband is the one who nullifies his portion of the oath, it is clearly not a situation of weakening the oath. Therefore, the Rishonim should have pointed out that the question of the Gemara here in the Bavli is specifically expressed in terms of the husband, to show that not only must we clarify the nullification of the father, but also that the question must be clarified even where the father nullifies the oath, and the point is that our Gemara argues against the Yerushalmi.

The Shitta Mikubetzes in the name of רא"ם notes that the question of our Gemara is only in terms of the husband. He understands that the Gemara holds that the father's power is clearly one of “cutting” and not “weakening”. This is because we know that before the betrothal, the father had exclusive and independent power to nullify the oath of his daughter without any one else's input. Therefore, after the betrothal, his power vis-à-vis the half he still controls should not be any less.

קרבן אורה reads into the wording of Rambam (Hilchos Nedarim 11:9) an approach which is the reverse of the Yerushalmi. Rambam only mentions the possibility of “weakening” in reference to the nullification of the husband, but not in terms of the father. It is only the husband's power of nullifying that can have such an effect even without the father's having done anything, as the woman is about to enter into the domain of the husband when they marry. We do not find, however, that the father should retain any independent strength at this point where the future husband has entered the picture. ■

HALACHAH Highlight

Half a measure for prohibitions that are time related

כגון שנדרה מתרין זיתין ושמע ארוס והיפר לה ואכלתנון

For example, she took a vow to not eat two olives and the arus heard and revoked the vow and she ate the olives

The Noda B'Yehudah¹ writes that if one eats half a measure of chometz at the end of the seventh day of Pesach when there is not enough time left in the day to eat another half measure the person has not even violated the prohibition of eating a half measure of a prohibited item (חצי שיעור). The reason one is prohibited to consume half a measure of a prohibited item is that it is fit to join with another half measure but if one consumes a half measure of a prohibition that is time related when there is not enough time in the day to consume the second half, no prohibition is violated.

Sefer Binyan Shlomo² challenges the conclusion of Noda B'Yehudah with the following argument. If eating half a measure of prohibited food is only prohibited when there is the possibility that one may eat a second half and thus violate the full prohibition, does that mean that a person who is in the desert with half a measure of food is Biblically permitted to eat that food since he will not obtain a second measure of the prohibited item? We do not find any source for drawing such a distinction but that seems to be the logi-

cal conclusion of Noda B'Yehudah's position.

Teshuvos Bris Yaakov³ rejects this opinion and cites our Gemara as proof that the prohibition of half a measure is in place even for prohibitions that are related to time. The Gemara wondered whether the husband's revocation cuts off half the vow or weakens the vow. While searching for a practical difference the Gemara could have given as an example a case where a woman made a vow prohibiting a single olive, and the husband revoked his part of the vow. If his revocation cuts off half the vow she should be permitted to eat the olive since the prohibited part can not combine with a second half to become a full measure of prohibition but if the revocation merely weakens the vow she would remain prohibited from eating the olive. Since the Gemara did not present this case it must be because eating half a measure is prohibited under all circumstances, even if it cannot combine to become a full measure of prohibition. Sefer Matas Yado⁴ rejects this proof. The reason the Gemara chose the case it presented is that it wanted to give an example where according to one approach there would be lashes whereas according to the other approach there would not. In the case suggested by Bris Yaakov there won't be lashes no matter which opinion is followed. ■

1. ע' מתיבתא למס' נדרים בפניני הלכה סו
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

The ascetic's vow

הבעל מיפר נדרים שבינו לבניו

On today's daf we find that a husband may annul his wife's vows if they could impact on the marital relationship. The broader lesson to be learned from this principle is that a vow that affects others adversely should be annulled.

There once was a talmid chacham in Lomza who wished to ensure that he wouldn't waste a single moment. However, the moment he left the beis midrash, he found it hard to return and would lose precious moments from learning. He decided to make a neder not to leave the shul for any reason.

As he had foreseen, his adopted

stringency helped his learning tremendously. Yet it also inconvenienced the people of Lomza enormously. How would he eat? It seemed that the people of the town would have to attend to his needs. Winter and summer, no matter the weather, they had to bring his meals. This was an even greater challenge on Shabbos, since there wasn't much room to leave the food and there was no eiruv in the town. Week after week, a neighbor had to cater to the talmid chacham's needs on Friday in close quarters.

Once, Rabbi Akiva Eiger, zt"l, was passing the town on the way back from his son's wedding. He stopped in to visit Rav Binyamin Diskin, zt"l, the Rav of Lomza. After they met, the Rav told Rabbi Akiva Eiger about this parush who inconvenienced the entire town. The two decided to visit him. As they

were walking to the shul, anyone who saw them joined them. By the time they arrived at the shul, the two gedolim were flocked by a large crowd. When they entered the shul, the parush was shocked to see that the Rav and the Gadol Hador had arrived for a visit.

Rabbi Akiva Eiger said, "Since I hear you are a talmid chacham, I wished to meet with you. But since you vowed not to exit the shul we had to go to you." The man was obviously pained by their having gone to the trouble.

Rabbi Akiva Eiger then asked him, "If you had known we would have been forced to come visit, would you have made your oath?"

"Never!" replied the flustered man.

"מותר לך, מותר לך, מותר לך" the Rabbonim shot back. "Your vow is annulled!" ■

